



PRESENTATION BY MR. BEN RISHWAIN REGARDING  
LODI FIRE DEPARTMENT SERVICES

CC-9 Mr. Ben Rishwain, 2133 Grenoble Way, Lodi, thanked the City of Lodi Fire Department for its attempts to save his six-month old son's life when he recently stopped breathing. The attempts were futile; however, he appreciated the efforts of officers Captain Doug Hintz, Engineer Virgil Wahlen, and Engineer Mike Johnson and further acknowledged each one.

PRESENTATION TO REPRESENTATIVES OF THE  
SISON BENEFIT KARATE TOURNAMENT

Marilyn Field, Recreation Supervisor, introduced the members of the Sison Benefit Karate Tournament, which was held on May 15, 1993, and Mayor Pennino and Members of the City Council presented each one with a City of Lodi pin.

This tournament was conceived as a vehicle to generate monies for the jointly sponsored Late Night Basketball program here in Lodi.

PRESENTATION BY BOOSTERS OF BOYS AND GIRLS  
SPORTS ORGANIZATION (B.O.B.S.) OF TWO  
PERSONAL COMPUTERS TO THE PARKS AND  
RECREATION DEPARTMENT

CC-6 Ron Williamson, Parks and Recreation Director, introduced Rick Castellaneli of the Boosters of Boys and Girls Sports Organization (B.O.B.S.), who presented the Mayor a check towards the purchase of two personal computers for the City of Lodi Parks and Recreation Department.

The B.O.B.S. had an opportunity to computerize all of the youth soccer registrations and this could not be accomplished on the department's Mini-System 36. Therefore, they generously donated two units to the department that will not only serve their soccer needs, but our total program needs.

COUNCIL INFORMED OF NEED FOR EMERGENCY ITEM

City Attorney McNatt informed the City Council that there was a need for an emergency item to be added to the agenda regarding Closed Session - Litigation (City of Lodi v. Shell Chemical Company, et al.) which will be voted on at the end of the agenda.

CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Mayor Pennino, Mann second, approved the following items hereinafter set forth (Council Member Snider was absent during the approval of the Consent Calendar).

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

- a) Agenda item #E-4 entitled, "Contract Award for tree trimming (power line clearing) EUD 93-2" (removed by Council Member Mann);
- b) Agenda item #E-6 entitled, "Contract Award for Asphalt Pavement Overlays, Tokay Street, Church Street to Fairmont Avenue, and Houston Lane, Pine Street to Victor Road" (removed by Council Member Davenport);
- c) Agenda item #E-9 entitled, "Phase II of Architectural Services for Civic Center Improvement Project. Addendum to existing Architectural Agreement adding Carnegie Basement Design Development through Construction Observation" (removed by Council Member Davenport); and
- d) Agenda item #E-11 entitled, "Renewal of contract for Janitorial Services for City facilities" (removed by Council Member Mann).

Further, Public Works Director Ronsko recommended that agenda item #E-10 entitled, "Final Map and Improvement Agreement for Lodi West, Unit No. 1, Tract No. 1904" be approved subject to receiving the required insurance certificate and appropriate faithful performance and labor and materials letter of credit guarantees.

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CLAIMS CC-21(a) Claims were approved in the amount of \$3,145,290.02.

MINUTES There were no minutes for approval.

REPORT ON SALE OF SCRAP METAL

CC-20 This report was made to the City Council in compliance with  
CC-47 Lodi Municipal Code Section 2.12.120.

On February 3, 1993, the City Council authorized the sale of various lots of scrap metal which had accumulated during the course of normal utility department operations.

Bid forms were mailed to five scrap metal dealers: two responded. The high bidder, B & G Machinery of Lodi, paid \$3,578.75 for the items listed below. The sale was completed on May 17, 1993.

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Insulated Aluminum	3,284 lbs.
Insulated Copper	5,964 lbs.
Bare Copper	1,023 lbs.
UG Cable (75% Aluminum, 25% Copper)	565 lbs.
Lead Pipe	500 lbs.
Copper Pipe	215 lbs.
Brass Fittings	900 lbs.
Transformer Casings	1 lot
Scrap Iron	1 lot

AGENDA ITEM REMOVED FROM THE  
CONSENT CALENDAR

Agenda item #E-4 entitled, "Contract Award for tree trimming (power line clearing) EUD 93-2" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda.

EMERGENCY PURCHASE OF PUMP FOR WHITE SLOUGH  
WATER POLLUTION CONTROL FACILITY

CC-90

This item was for Council information only.

One of the City's ten sludge pumps at the White Slough Treatment Facility recently failed. It was not cost effective to repair this pump because it would cost more than \$7,000. Since we did not have the time to go to bid on this item, the replacement pump was purchased under the emergency provisions of the procurement procedure.

When the plant was constructed, in 1967, there were four Moyno sludge pumps. In the 1976 expansion, two other-brand sludge pumps were added which the City found to be more difficult to maintain and repair. Prior to the recent expansion of the White Slough Facility, the City standardized on the Moyno sludge pump because of its overall quality, ease of maintenance, and to reduce our parts inventory.

There are only two suppliers of Moyno pumps in California, one in Northern California and one in Southern California. The purchase was made from the Northern California supplier because of price and franchise sales area requirements. The cost of the pump, including sales tax and freight, was \$9,460.

AGENDA ITEM REMOVED FROM THE  
CONSENT CALENDAR

Agenda item #E-6 entitled, "Contract Award for Asphalt Pavement Overlays, Tokay Street, Church Street to Fairmont Avenue, and Houston Lane, Pine Street to Victor Road" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda.

CONTRACT AWARDED FOR STOCKTON STREET  
IMPROVEMENTS, LOCKEFORD STREET TO TURNER  
ROAD

RESOLUTION NO. 93-70

CC-90  
CC-300

The City Council adopted Resolution No. 93-70 awarding the contract for Stockton Street Improvements, Lockeford Street to Turner Road to George Reed, Inc., in the amount of \$224,629.00, and appropriated \$260,000.00 from the Measure K Fund to complete the project.

This project includes the reconstruction and partial overlay of Stockton Street. Minor widening will be done along the Stockton Street frontage of Lawrence School. (The School District Board has approved the dedication of 10 feet of right-of-way to the City.) As compensation for the 10-foot dedication, it was recommended that the City pay for street improvements along the Lawrence School frontage. The City uses Lawrence School for a number of its recreation programs and the installation of the street improvements will improve the access to the site and benefit the entire public.

The paving portion of this project will require the closure of Stockton Street. The closure will be done in two phases to minimize the effect on the Stockton Street businesses.

This project is part of the State-Local Transportation Partnership Program (SLTPP). The 1992/93 Streets Capital Improvement Program was approved with the engineering and design of this project being done this fiscal year.

In order for this project to remain eligible for the SLTPP funding, it must be awarded by June 30, 1993. It was recommended that \$260,000.00 be appropriated from the Measure K Fund to complete this project. Approximately 20% of this project will be funded by the SLTPP. When this money is received by the City, it will be transferred back into our Measure K Fund.

Plans and specifications for this project were approved on April 21, 1993. The City received the following five bids for this project:

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<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$340,588.50
George Reed, Inc.	Lodi	\$224,629.00
Robert Burns Construction	Stockton	\$271,792.75
Granite Construction	Watsonville	\$278,629.60
Teichert Construction	Stockton	\$283,542.98
A. M. Stephens Co.	Rio Vista	\$302,188.90

PLANS AND SPECIFICATIONS AND ADVERTISEMENT  
FOR BIDS FOR ANDERSON AVENUE STREET  
IMPROVEMENTS APPROVED

CC-12.1(c) The City Council approved the plans and specifications for Anderson Avenue Street Improvements and authorized advertising for bids.

The Public Works Department has received numerous complaints on Anderson Avenue about people dumping garbage and using the undeveloped street area as an access to the Southern Pacific Railroad (SPRR) right of way.

This project will complete the curb, gutter and sidewalk installation on Anderson Avenue and pave the cul-de-sac. A chain link fence will also be installed behind the sidewalk, along the SPRR right of way. The SPRR has been working with the City on this project and may be sharing in the cost of the chain link fencing. The street improvements and the fencing will help control both the trash dumping and the unwanted access problem.

It was recommended that money from the Miscellaneous Street Improvements Account be used for this project. The Miscellaneous Street Improvements Account has a balance of \$59,813.35 and the project estimate for Anderson Avenue is \$50,000.00.

AGENDA ITEM REMOVED FROM THE  
CONSENT CALENDAR

Agenda item #E-9 entitled, "Phase II Architectural Services for Civic Center Improvement Project. Addendum to existing Architectural Agreement adding Carnegie Basement Design Development through Construction Observation" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda.

FINAL MAP AND IMPROVEMENT AGREEMENT FOR  
LODI WEST, UNIT NO. 1, TRACT NO. 1904  
APPROVED

CC-46 The City Council approved the final map for Lodi West, Unit  
CC-90 No. 1, Tract No. 1904 subject to receiving the required insurance certificate and appropriate faithful performance

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and labor and materials letter of credit guarantees, directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City, and appropriated money from Development Impact Fees to cover credits for water and storm drain improvements in this subdivision as well as funds to be applied to land acquisition costs for the Westgate basin/park frontage improvement costs.

Robert Batch, the developer of this subdivision, has furnished the City with the improvement plans, necessary agreements, guarantees, and fees for the proposed subdivision. We understand that the insurance certificates and letters of credit will be forthcoming. The letters of credit are being prepared by Farmers and Merchants Bank and they have assured us that these guarantees are being processed. Since we have everything else necessary for this approval, staff recommended that the approval be contingent upon receipt of the required insurance certificate and guarantees. Work on the subdivision will not be allowed to commence until these items are received.

The subdivision is located west of Lower Sacramento Road and south of the existing Park West subdivision and contains a total of fifty-three single-family residential lots.

It is necessary to appropriate \$6,860.00 and \$16,850.00 for the oversize water main and master storm drain system, respectively, installed by the developer in Evergreen Drive, and \$2,100.00 for street improvements in excess of 68 feet within the public right-of-way. In addition, \$61,600.00 needs to be appropriated from the Storm Drain (\$54,208.00) and Parks and Recreation (\$7,392.00) Impact Fee funds for payment of the City's share of the frontage improvements along Westgate basin/park. These appropriations for public improvements being constructed by the developer include 10% for engineering and administration plus approximately 5% for contingencies. The final amount paid to the developer will be the actual contract amount plus 10%, as provided in the City's fee ordinance (LMC 15.64.080). The land was previously acquired under the terms of an agreement entered into by Robert Batch and the City on January 6, 1993.

AGENDA ITEM REMOVED FROM THE  
CONSENT CALENDAR

Agenda item #E-11 entitled, "Renewal of contract for Janitorial Services for City facilities" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda.

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AGREEMENT WITH SAN JOAQUIN COUNTY FOR  
DIAL-A-RIDE SERVICES FOR CERTAIN  
UNINCORPORATED AREAS RENEWED

RESOLUTION NO. 93-72

CC-50(b)                   The City Council adopted Resolution No. 93-72 renewing the  
CC-90                       agreement between the City of Lodi and San Joaquin County  
CC-300                      for Dial-A-Ride services in the unincorporated areas of  
Woodbridge, the Arbor Mobile Home Park in Acampo, and the  
Freeway Mobile Home Park south of Lodi.

The City of Lodi has for some time been servicing the unincorporated areas of Woodbridge, the Arbor Mobile Home Park in Acampo, and the Freeway Mobile Home Park south of Lodi with Dial-A-Ride services, commencing with service to Arbor Mobile Home Park in October 1984. The County reimburses the City at the rate of \$4.66 per ticket to offset operational costs for the transit program. The City averages approximately 362 calls per month for services in the County contract areas.

The term of the agreement will be for a period of three years, terminating June 30, 1996, with the ticket reimbursement price subject to review for the second and third years of the agreement. Service hours have been extended in the agreement to reflect the new Sunday hours for Dial-A-Ride, and all references to City Cab Company have been deleted from the agreement.

CONTRACT AWARDED FOR PURCHASE OF 85 HIGH  
PRESSURE SODIUM LUMINAIRES

RESOLUTION NO. 93-73

CC-90                       The City Council adopted Resolution No. 93-73 awarding the  
CC-300                      purchase of 85 High Pressure Sodium Luminaires to the low  
bidder, Davis, Gregory & Doll Company of Emeryville in the  
amount of \$7,152.98.

On May 5, 1993, the City Council approved specifications and authorized advertisement for bids. The following bids were received, and opened on May 19, 1993:

Davis, Gregory & Doll Co., Emeryville	\$7,152.98
G.E. Supply Co., Sacramento	7,235.41
Herning Underground Supply, Hayward	7,235.41
All-Phase Electric Co., Stockton	7,307.77
Graybar Electric Co., Sacramento	7,317.84
Capital Wholesale Electric, Sacramento	7,464.38
Platt Electric, Stockton	7,968.11
WESCO Utility Supply, Co., Concord	7,968.11
Valley Electric Co., Stockton	8,013.91

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These luminaires will be used to replace the less efficient mercury-vapor lights in the downtown area bounded by Lockeford Street, Church Street, Lodi Avenue, and Sacramento Street.

RESOLUTION DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS ON VARIOUS PARCELS THROUGHOUT THE CITY APPROVED, AND SET PUBLIC HEARING FOR JUNE 16, 1993 FOR WEED ABATEMENT

RESOLUTION NO. 93-74

CC-24(b) The City Council adopted Resolution No. 93-74 declaring  
CC-300 weeds a public nuisance and initiating abatement proceedings on various parcels throughout the City, and set the matter for public hearing for the regular City Council meeting of June 16, 1993.

Throughout the spring and summer months, the Lodi Fire Department has an ongoing program of contacting property owners to remove weeds on property they own within the City. Follow-up contacts are made in an effort to have the weeds removed at the earliest possible date.

A list of the various parcels within the City that are not in compliance with weed abatement requirements was presented to the City Council.

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COMMENTS BY CITY

COUNCIL MEMBERS The following comments were received under the "Comments by ON NON-AGENDA ITEMS City Council Members" segment of the agenda:

COMMENT REGARDING SEVERAL DIFFERENT MATTERS

CC-6 Council Member Davenport commented on the following: (1) glad to see that the Gang Task Force was on the agenda; (2) informed the public that he attended the San Joaquin County Critical Issues Seminar on May 26, 1993, which was very informative; (3) commented on the funding of the District Attorney's office; and (4) commented on the Shirtsleeve Session held on May 25, 1993 that discussed water pollution.

UPDATE ON FUNDING OF THE DISTRICT ATTORNEY'S OFFICE

CC-21(b) Mayor Pennino asked Police Chief Hansen to give the City  
CC-94 Council an update on the funding of the District Attorney's Office.

Police Chief Hansen presented a report on the recent meetings he has had with Governor Wilson, County Supervisor George Barber, and District Attorney Phillips. Mr. Hansen

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also informed the Council that he has been selected to serve on the Governor's subcommittee created to try to resolve this funding problem.

ACKNOWLEDGEMENT GIVEN TO GOOD SAMS

Mayor Pennino reminded the public that the Good Sams were here in Lodi at the Grape Festival grounds two weeks ago with approximately 800 mobile homes. The Good Sams have reported that the organization spent approximately \$23,000 in Lodi during their stay (according to the receipts that their members turned in).

THANKS EXPRESSED TO CITY OF LODI  
SISTER CITY COMMITTEE

Mayor Pennino thanked the Lodi Sister City Committee, Administrative Assistant to the City Manager Keeter, and the many other volunteers who put together the welcoming of the Mayor and 44 delegates from our sister city, Kofu, Japan who visited Lodi on May 28, 1993. Kofu presented the City with a tree that was planted at Kofu Park and \$1,000 to be used for the park.

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:

INVITATION TO THE AMERICAS BAND IN BLUE  
CONCERT

Stewart Adams, 111 West Pine Street, Lodi, representing the Lodi Lions Club invited the public to attend a free band concert put on by the US Air Force Band - Americas Band in Blue to be held on Wednesday, June 9, 1993 at the Grape Festival amphitheater. Doors open at 6:00 p.m., they will have food and drinks available and free flags for the first 288 people. Free tickets are available.

COMPLAINT REGARDING COUNCIL CONDUCT

CC-6 Tim Kellogg, 2081 Sylvan Way, Lodi, commented on Council  
CC-16 conduct and urged that it not continue.

COMPLAINT REGARDING OVERABUNDANCE OF  
UNNEEDED LAWS

CC-16 George Newmarch, P.O. Box 355, Lodi, expressed his feelings that the City has an overabundance of unneeded laws and the City Council should look into abolishing those. Mr. Newmarch also stated his opposition to the recalls.

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CONCERN REGARDING DUMPING OF SACRAMENTO  
COUNTY'S REFUSE

CC-16 Clayton Henson, P.O. Box 591, Valley Springs, expressed  
CC-22 (b) concerns regarding Sacramento County dumping its garbage in  
CC-54 the transfer station located in Lodi. Mr. Henson also  
publicly retracted his earlier apology to City Manager  
Peterson and also urged people to read Mr. Kleim's letter  
to the editor in the Lodi News Sentinel.

REPORT REGARDING ALCOHOLIC BEVERAGE LICENCES

CC-2 (s) Virginia Snyder, 412 East Oak Street, Lodi, representing  
CC-7 (f) the Lodi East Side Improvement Committee, made a report  
regarding Alcoholic Beverage Control licenses being issued  
in Lodi. The Committee will be reviewing all ABC licenses  
submitted by the Alcoholic Beverage Control Board.  
Further, Ms. Snyder invited the public to attend the  
Committee's next meeting to be held on June 10, 1993 at  
6:30 p.m. at the Loel Center where they will be focusing on  
Lodi businesses. Ms. Snyder then introduced Kip Gillam who  
will be monitoring the ABC licenses.

Kip Gillam, 903 South Central Avenue, Lodi, spoke regarding  
the ABC licenses and indicated that he will be doing a  
study on the impact on the East Side area. The City Clerk  
was directed to notify Mr. Gillam of all ABC licenses  
scheduled on the City Council agendas.

Further, Mr. Gillam made comments in opposition to the  
recall efforts.

COMPLAINT REGARDING FAKE NOTICE OF  
INTENTION TO RECALL

CC-16 Arthur Price, 1053 Port Chelsea, Lodi, expressed his  
CC-18 concerns regarding the fake Notice of Intention to Recall  
that Mr. Henson served on Council Member Mann at the last  
City Council meeting.

OPPOSITION TO RECALL

CC-6 Alice Woollett, 1011 Pinot Noir, Lodi, made several  
CC-18 comments regarding the recall and her experience in  
participating in a recall effort in the past. Ms. Woollett  
also presented each Council Member with a wrapped gift.

COMPLAINT REGARDING EARLIER COMMENTS

CC-6 Jean Davenport, 445 Almond Drive #45, Lodi, responded to  
CC-16 Mr. Kellogg's earlier comments and the fact that he was  
using an ad that appeared in the Lodi News Sentinel by Fred  
Reid which is untrue. Mrs. Davenport stated that it is not

Council Member Davenport who has a vendetta and that the Lodi News Sentinel is biased and it prints lies.

COMPLAINT REGARDING COUNCIL CONDUCT

CC-6 Becky Bailey, 909 South Garfield Street, Lodi, commented on  
CC-16 Council conduct.

Milton Kleim, Jr., 216 East Oak Street, Lodi, proposed that both sides of the recall effort meet and try to mediate this problem.

COMPLAINT REGARDING FLIERS BEING PLACED IN MAILBOXES

CC-6 Bob Murphy, 746 Palm Avenue, Lodi, commented on the fliers  
CC-16 that are incorrectly being put into mail boxes regarding  
CC-18 the recalls and that the postmaster will take action if a person is caught doing so. Mr. Murphy has already filed a complaint with the Police Department. Fliers should, instead, be placed under a door mat or on a screen door.

Tom Preszler, 530 Calaveras Street, Lodi, responded to Mr. Murphy's comments. Mr. Preszler also agreed with Mr. Kleim's suggestion regarding mediation of the two recall groups.

RECESS Mayor Pennino called for a ten-minute recess and the City Council meeting reconvened at approximately 9:00 p.m.

PUBLIC HEARINGS

PUBLIC HEARING TO ACCEPT COMMENTS  
REGARDING THE CITY OF LODI'S FEDERAL  
TRANSPORTATION AUTHORITY SECTION IX  
APPLICATION

CC-50(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 Pennino called for the Public Hearing to accept comments regarding the City of Lodi's Federal Transportation Authority Section IX Application.

Administrative Assistant to the City Manager Keeter presented the following report.

The City of Lodi became eligible, in July 1991, to receive approximately \$450,000 per year in Federal Transportation funds. The City, to obtain the funding, must submit an application to the Federal Transit Administration (FTA) describing the City's proposed transit projects. Upon approval by the FTA, and CalTrans, the City will then be able to tap into the fund of approximately \$910,800 (two-year allocation) set aside specifically for Lodi. Should the City Council determine not to forward the

application for transit funds, the money will eventually be redistributed to other cities and states.

FTA will pay approximately 50% of operating costs and approximately 80% of capital and planning costs for the transportation projects. The application for the FTA funding is in the amount of \$870,680 with the balance of \$513,920 for project costs being offset by Transportation Development Act (TDA) funds.

The proposal, as submitted in the application, is for the continuation of the Dial-A-Ride demand/response program which includes the eventual replacement of three vehicles to meet the American Disabilities Act (ADA) requirements and as part of the normal vehicle rotation.

The proposal also includes a provision for the establishment of a fixed route bus system in the City as outlined in the Transit Needs Assessment and System Plan, prepared for the City by Arthur Bauer & Associates. The specific design of the system (routes, schedules, transfer points, fare structure, etc.) will be developed in the 1993-94 fiscal year with the intention of starting the new service on July 1, 1994. The proposed grant application includes funding to purchase five mini-buses, mobile radios, bus stop signs, benches and shelters, office furnishings, uniforms, and computer hardware and dispatch software. The application also includes funding for the planning, marketing and advertising required to establish the new transit system.

Both elements of the application are in response to the City's unmet transit needs as determined at various public hearings. The proposals also correspond to the City's Transportation Improvement Program (TIP) which is on file with the Council of Governments (COG).

Following discussion among the City Council, staff and James Brown with James Brown and Associates, Mayor Pennino opened the meeting to the public. The following persons spoke regarding the matter.

- a) Carol Alimonte, 412-1/2 East Oak Street, Lodi; and
- b) Lillian Goldsmith, 1830 South Hutchins Street #507, Lodi.

Mayor Pennino read the following letter from Terri Whitmire, Chairman, Senior Citizens Commission:

"On behalf of the Senior Commission, it gives me great pleasure to submit this letter of support regarding the City of Lodi's Section IV Federal Transportation

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Administration application. Citizens of Lodi have voiced concern at the past public hearings for unmet transit needs, that Dial-A-Ride service is the only means of public transportation within the City limits. With the expansion of the transit system to include a fixed bus route, citizens can move easily and schedule appointments around transportation.

Although the Senior Commission supports the introduction of a fixed bus route system to the City, the Commission feels very strongly that the Dial-A-Ride service should continue to serve those in need of door-to-door transportation.

Thank you for taking the comments from our seniors into consideration when applying for federal grant monies."

There being no one else wishing to speak on the matter, the Mayor closed the public portion of the hearing.

The City Council, on motion of Council Member Sieglock, Davenport second, unanimously approved the submittal of the City's Section IX Grant Application for Federal Transportation Funds for Lodi's transportation system.

PUBLIC HEARING TO CONSIDER THE PLANNING  
COMMISSION'S RECOMMENDATION FOR A GENERAL  
PLAN AMENDMENT FOR REQUESTS OF J. JEFFREY  
KIRST (HELMLE) AND RON THOMAS (RICHARDS  
RANCH) CONTINUED

CC-6  
CC-53(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 Pennino called for the Public Hearing to consider the Planning Commission's recommendation for a General Plan Amendment which consists of the following:

- a) Request of J. Jeffrey Kirst to redesignate the parcels within the area bounded by the Woodbridge Irrigation Canal on the north and east, West Kettleman Lane (Highway 12) on the south, and Lower Sacramento Road on the west from PR, Planned Residential, and O, Office to LDR, Low Density Residential and O, Office; and
- b) Request of Ronald B. Thomas, et al to redesignate the parcels at 13737 North Cherokee Lane (APN 062-290-18), 2250 South Stockton Street (APN 062-290-08), and 13845 North Cherokee Lane (APN 062-290-07) from PR, Planned Residential to LDR, Low Density Residential.

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Pursuant to staff's request, the City Council, on motion of Council Member Mann, Pennino second, unanimously continued the matter to the City Council meeting of June 16, 1993.

COMMUNICATIONS  
(CITY CLERK)

POSTING OF EXPIRED TERMS ON VARIOUS  
BOARDS AND COMMISSIONS

CC-2(a)                   The City Council, on motion of Council Member Snider,  
CC-2(d)                   Davenport second, unanimously directed the City Clerk to  
CC-2(g)                   post for the following expired terms on the various Boards  
CC-2(k)                   and Commissions:

ADVISORY BOARD 49-99 LIBRARY SYSTEMS

William J. Fairgrieve                   Term to expire 7/1/93

SAN JOAQUIN COUNTY COUNCIL OF GOVERNMENTS (COG) CITIZENS'  
ADVISORY COMMITTEE

John Schmidt                           Term to expire 6/30/93

LIBRARY BOARD

C. M. Sullivan                         Term to expire 6/30/93

LODI ARTS COMMISSION

Cynthia Morris-Olagary               Term to expire 7/1/93

Eleanor Kundert                       Term to expire 7/1/93

Jon Withers                           Term to expire 7/1/93

LODI PLANNING COMMISSION

Harry Marzolf                         Term to expire 6/30/93

Larry Mindt                           Term to expire 6/30/93

LETTER RECEIVED FROM RESIDENTS ALONG  
510 MURRAY STREET REGARDING GOLF BALLS  
BEING HIT OVER THE FENCE FROM DRIVING  
RANGE ON CHEROKEE LANE

CC-6                       The following letter was received from the residents of 510  
CC-16                      Murray Street complaining about the golf balls being hit

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over the fence from the driving range located at the corner of Cherokee Lane and Lockeford Street.

"We, the residents of 510 Murray Street, are writing this letter to complain about the golf balls being hit over the fence from the driving range located at the corner of Cherokee Lane and Lockeford Street. These golf balls are damaging our cars.

We have been calling for several years the Lodi Police Department, the City Hall, the Department of Parks and Recreation and nothing seems to get done. Most of the time they would say 'we will get back to us', but never do.

The owners of the range did put up a 10' fence but moved it in 10' from the present one so it does no good at all.

These balls not only damage our cars but have broken windows and are just plain dangerous to any of us walking in this compound. An example, my mother in her 90's had a ball drop right in front of her face another former residents was hit in the head with one and the other day we watched as a ball nearly hit a toddler across the street from us in the apartments.

We (most of us) have gone over to the driving range to try to talk to the owners and all we get is 'we'll try to be more careful'.

There must be some kind of solution to this on going problem. I don't know why they can't drive the balls from Cherokee Lane towards the festival buildings, which would help us a lot.

We not only want this dangerous practice stopped, but we want our cars repaired! We are all pensioners here and can't afford the money it would take to fix the cars ourselves.

We hope, Mr. Davenport, that you can help us. After listening to you on the City Council meetings, we feel you won't let this appeal just sit and gather dust! Keep up the good work and thank you for your time. Any questions pertaining to the above matter, please call one of the telephone numbers listed below."

Following discussion, the City Council directed that this matter be brought back at the next City Council meeting.

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✓

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LETTER RECEIVED FROM A-1 SAW & MOWER  
REGARDING UTILITY BILLING PROBLEM

CC-16  
CC-21(a)

The following letter had been received from A-1 Saw & Mower, 54 North Cluff Avenue, Lodi, regarding utility billing procedure.

"Please address this issue at your next meeting. We have a business at 54 North Cluff Avenue. We have a shop and retail store on this same site. We receive three bills: one is for the water meter and two are for the electric, sewer, refuse, etc. With all the talk these days about cutting spending, you would think we could start at our local government and curb some of our spending like sending out all this paperwork, plus envelopes and the postage to send three bills to the same address. Being a business owner on a budget ourselves there is no way I make out three separate checks and send three separate envelopes, plus postage to send my payment back to you. So I'm sending back your reports and the unused envelopes, so you can reuse them next month. And, please, the next time you hear that they're about to cut our Police and Fire Department protection, just remember there's more waste out there like this that we could save time and money by doing the job more efficiently the first time."

This matter was referred to staff.

APPLICATION RECEIVED FROM PACIFIC GAS &  
ELECTRIC (PG&E)

CC-7(t)

City Clerk Perrin informed the City Council that notice was received from Pacific Gas and Electric Company (PG&E) regarding its application filed with California Public Utilities Commission (CPUC) requesting a lower return on equity for 1994 for ratemaking purposes. The request would decrease the return on equity from 11.9 to 11.5 percent and decrease the overall cost of capital from 10.13 to 9.82 percent, effective January 1, 1994.

REGULAR CALENDAR

RECEIVED GENERAL SERVICES MEMORANDUM OF  
UNDERSTANDING (MOU) 1992-1995

CC-34

Assistant City Manager Glenn requested that the City Council receive the General Services Memorandum of Understanding (MOU) 1992-1995.

On motion of Mayor Pennino, Davenport second, the City Council unanimously received the 1992-1995 General Services MOU.

CONTRACT FOR SERVICES WITH CRAWFORD RISK  
CONTROL SERVICES TO EVALUATE FIRE  
STATION NO. 1 AIR QUALITY

CC-24 (b)  
CC-90

Assistant City Manager Glenn, Administrative Assistant to the City Manager Keeter and Building and Equipment Maintenance Superintendent Callahan presented the following report.

After receiving complaints from firefighters regarding poor air quality in the Fire Department headquarters, staff measured the carbon dioxide level of four areas of the fire station. The downstairs and kitchen had acceptable levels of carbon dioxide, however, the sleeping quarters and the classroom both measured high with readings of 1000 parts per million (ppm). The normal acceptable limit for carbon dioxide is less than 800 ppm. Upon consultation with CalOSHA, it is recommended by staff that an industrial hygienist be hired to determine the overall quality of the air in the fire station.

According to CalOSHA, individuals exposed to bad air quality over a period of time will suffer symptoms as described by the firefighters: stuffy noses, difficulty breathing, scratchy throats, and drowsiness. CalOSHA also recognized that the health effects may be partially attributable to the high level of carbon dioxide which is a result of poor air circulation, but may also be due to the fact that the ventilation system has never been vacuumed or cleaned.

Staff solicited proposals from two companies which clean ventilation systems; EMS Cleaning for \$4,900 and M&M Heating for \$15,640. Because the costs are so diverse, and because the price is so high for an assumed solution to a problem, staff recommended instead that the City spend \$2,600 for an industrial hygienist. The industrial hygienist can evaluate the system from an unbiased standpoint and determine if in fact the problem is due to poor air circulation, a dirty ventilation system, or if other contaminants are present in the atmosphere.

Two industrial hygiene companies were recommended by CalOSHA: Crawford Risk Control Services and Radian Corporation. Both firms submitted proposals each totalling \$2,600 to evaluate the system. Because of the possible ill effects which firefighters may be suffering due to the air quality, staff contends that it is in the City's best interest to hire an industrial hygienist who can look at the overall picture and help determine the root of the problem, rather than investing \$4,900 - \$15,640 to clean the ventilation system. Should the industrial hygienist recommend in the evaluation that the system be cleaned, then at least the City will be secure in knowing that the

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air flow and ventilation is adequate for the number of people and the type of equipment in the building.

Crawford Risk Control Services was previously hired by the City to evaluate the air quality in City Hall. Their report was comprehensive and informative for staff to use as a planning tool for the City Hall renovation and the distribution of employees in work spaces.

Following discussion, on motion of Council Member Mann, Snider second, the City Council unanimously approved contracting for services with Crawford Risk Control Services to evaluate the second floor Fire Station #1 air quality.

#### PRESENTATION OF 1993-94 OPERATING BUDGET

CC-21(b) City Manager Peterson and Assistant City Manager Glenn presented the following report.

The recommended 1993-94 Operating Budget had been prepared for the City Council's review and ultimate action.

It was suggested that in addition to the "Shirtsleeve" sessions of June 8, 15, 22 and 29, that the City Council also schedule budget review meetings on the "off-Wednesdays" of June 9, 23 and 30. Other weeknight meetings may be necessary.

Following discussion on the matter, the City Council set the following budget review schedule:

- a) June 8, 1993 at 7:00 a.m.
- b) June 9, 1993 at 7:00 p.m.
- c) June 15, 1993 at 7:00 a.m.
- d) June 22, 1993 at 7:00 a.m.
- e) June 23, 1993 at 7:00 p.m.

Further, the morning sessions will be limited to two hours and the evening sessions will be limited to three hours.

On motion of Council Member Sieglock, Mann second, the City Council unanimously introduced the 1993-94 Operating Budget.

Continued June 2, 1993

ORDINANCES

ORDINANCE AUTHORIZING AMENDMENT OF THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

ORDINANCE NO. 1576 ADOPTED

CC-34 Ordinance No. 1576 entitled, "An Ordinance of the City
CC-90 Council of the City of Lodi Authorizing an Amendment to the
CC-149 Contract Between the City Council of the City of Lodi and
the Board of Administration of the California Public
Employees' Retirement System" having been introduced at a
regular meeting of the Lodi City Council held May 19, 1993
was brought up for passage on motion of Council Member
Snider, 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 - Davenport, Mann, Sieglock,
Snider and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

ORDINANCE AMENDING THE LAND USE ELEMENT OF THE LODI GENERAL PLAN BY REDESIGNATING A PORTION OF THE PARCEL LOCATED AT 451 EAST TURNER ROAD (APN 015-230-28) FROM P-R, PLANNED RESIDENTIAL, TO NCC, NEIGHBORHOOD/COMMUNITY COMMERCIAL AND TO PREZONE THE PARCEL C-S, COMMERCIAL SHOPPING, WITH A CONDITION RELATING TO SCHOOL FACILITIES FUNDING

ORDINANCE NO. 1577 ADOPTED

CC-53(b) Ordinance No. 1577 entitled, "An Ordinance of the Lodi City
CC-149 Council Amending the Land Use Element of the Lodi General
Plan by Redesignating a Portion of the Parcel Located at
451 East Turner Road (APN 015-230-28) from P-R, Planned
Residential, to NCC, Neighborhood/Community Commercial and
to Prezone the Parcel C-S, Commercial Shopping, With a
Condition Relating to School Facilities Funding" having
been introduced at a regular meeting of the Lodi City
Council held May 19, 1993 was brought up for passage on
motion of Council Member Mann, Davenport 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:

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✓

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

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - Snider

RECESS

Mayor Pennino called for a ten-minute recess and the City Council meeting reconvened at approximately 11:05 p.m.

MEETING TO CONTINUE FOLLOWING 11:00 P.M. HOUR

Pursuant to Ordinance No. 1566, the City Council needs a 4/5 vote to continue with the remainder of the meeting after the 11:00 p.m. hour.

On motion of Council Member Davenport, Mann second, the City Council voted to continue with the remainder of the City Council meeting by the following vote:

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

Noes: Council Members - Snider

Absent: Council Members - None

CONTRACT AWARD FOR TREE TRIMMING (POWER LINE CLEARING)

RESOLUTION NO. 93-68

CC-90  
CC-300

The Electric Utility Department has utilized a tree trimming contractor for its line clearing requirements since November 1988. The current contract was awarded by the City Council on October 4, 1989 for a one-year period with an option to extend yearly thereafter, at the City's sole discretion, for a maximum of three additional years. The extension option will be exhausted at the end of the current fiscal year. To maintain continuity of the line clearing program, a new contract must be in place by the beginning of the 1993-94 fiscal year, therefore the recommendation to award at this time. This contract, like the one expiring, has provisions for yearly extensions up to a maximum of three.

It is expected that this contract will provide the City with a three-person (backyard) crew for twelve months and an additional two-person (street) crew for approximately four months, including vehicles, equipment and other expenses for both crews. This level of activity represents

the current effort to maintain the 130+ circuit miles of overhead lines clear of growth on a three-year cycle.

The specifications for this contract were approved on April 21, 1993 with bid opening on May 18, 1993. The bids shown below were received. For evaluation purposes, 90% of the "backyard" crew hourly rate was added to 35% of the "street" crew hourly rate. This evaluated cost is also shown.

<u>Bidder</u>	Backyard Crew	Street Crew	Evaluated Cost
Asplundh Tree Expert Co. Rocklin, CA	\$58.94/hr.	\$51.46/hr.	\$71.057/hr.
Arbor Tree Surgery Paso Robles, CA	\$62.44/hr.	\$54.86/hr.	\$75.397/hr.
Davey Tree Surgery Co. Livermore, CA		No Response	

The estimated cost of this contract is \$153,300, an amount included in the Department's proposed 1993-94 fiscal year budget. Funding for extensions of the contract will be budgeted on a year-to-year basis.

Following questions by City Council Members, the following person spoke regarding the matter:

a) Jean Davenport, 445 Almond Drive #45, Lodi.

On motion of Council Member Mann, Sieglock second, the City Council unanimously adopted Resolution No. 93-68 awarding the contract for tree trimming (power line clearing) to the low bidder Asplundh Tree Expert Co. at the evaluated cost of \$71.057 per hour.

CONTRACT AWARD FOR ASPHALT PAVEMENT OVERLAYS,  
TOKAY STREET, CHURCH STREET TO FAIRMONT AVENUE,  
AND HOUSTON LANE, PINE STREET TO VICTOR ROAD

RESOLUTION NO. 93-69

CC-90  
CC-300

This project consists of furnishing and installing asphalt pavement overlays for Houston Lane and a portion of Tokay Street, from Church Street to Fairmont Avenue. The project also includes miscellaneous curb and gutter repair, installation of handicap ramps, and approximately 500 linear feet of 6-inch water main.

Both Tokay Street and Houston Lane will be closed during the paving operation. Each street should be paved in one day.

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It was also recommended that \$42,000.00 be transferred from the MSC - Covered Storage Account (18.1-350.94) to the Miscellaneous Water Mains Account (18.1-450.01). Both of these accounts are in the Water Capital Outlay Fund.

The Miscellaneous Water Mains Account will be used to pay for the new 6-inch water main in Tokay Street and also for a new 8-inch water main in Church Street, between Kettleman Lane and Tamarack Drive. The Church Street water main will be constructed as part of the Church Street Improvement Project which will be bid next month. The future 8-inch Church Street water main will provide better fire protection and will eliminate the rear-yard water main servicing the homes on Church Street.

The 6-inch water main installation in Tokay Street is included in the asphalt overlays contract and will eliminate two dead-end mains. Both dead-end mains are 3 inches in diameter and are located east and west of California Street. \$17,000.00 will be needed to install this 6-inch line and the Miscellaneous Water Mains Account currently has a balance of \$5,465.12.

This project was part of the approved Pavement Rehabilitation Projects portion of the 1992/93 Street's Capital Improvement Program. Plans and specifications were prepared and the City received the following three bids for this project:

	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$156,760.30
George Reed Company	Lodi	\$135,639.30
Teichert Construction	Stockton	\$169,914.30
A. M. Stephens	Rio Vista	\$175,055.35

Following discussion regarding the matter, the City Council, on motion of Council Member Snider, Sieglock second, unanimously adopted Resolution No. 93-69 awarding the contract for Asphalt Pavement Overlays, Tokay Street, Church Street to Fairmont Avenue, and Houston Lane, Pine Street to Victor Road to George Reed Company in the amount of \$135,639.30, and transferred \$42,000 from the MSC - Covered Storage Account to the Miscellaneous Water Mains Account.

PHASE II ARCHITECTURAL SERVICES FOR CIVIC CENTER IMPROVEMENT PROJECT. ADDENDUM TO EXISTING ARCHITECTURAL AGREEMENT ADDING CARNEGIE BASEMENT DESIGN DEVELOPMENT THROUGH CONSTRUCTION OBSERVATION

CC-90

Public Works Director Ronsko presented the following report.

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On January 6, 1993, Council entered into an architectural agreement with Wenell Mattheis Bowe for Phase I of the Civic Center Improvement Project. The Council minutes of January 6, 1993 show the general scope of work for the first phase. This first phase work included only investigative and schematic design services for the basement of the Carnegie Forum. If it was determined that the Carnegie basement was to be improved, a second phase, to complete architectural and engineering services on the Carnegie basement, would be necessary. The work under Phase II was also outlined in the minutes of January 6, 1993.

On March 17, 1993, the City Council reviewed different alternatives for housing the City Hall employees during the City Hall construction. The City Council minutes of March 17, 1993, outline the Council's decision to use the basement of Carnegie Forum together with temporary trailers in the mall. The final layout of the Carnegie basement and the mall trailers was shown on exhibits that were presented for Council's review.

It was then appropriate for the City Council to approve Phase II which will provide the architectural and engineering design, and the construction administration and observation for the Carnegie basement remodel. The cost of preparing these plans and specifications, and construction administration and observation, is \$18,360. This will be billed on a time-and-material basis not to exceed \$18,360.

The original estimated cost of the Carnegie basement remodel was \$252,000. The current estimate, based on the schematic drawings, is \$248,000. As we have indicated to the Council previously, it is our intent to let one contract, which will include the remodel of the Beckman Building (City Hall Annex), the remodel of the Carnegie basement, and the installation of temporary trailers. It is estimated that the plans and specifications for this work will be submitted to City Council for approval in late September or early October 1993.

Following a lengthy discussion regarding the matter, Council Member Davenport made a motion of table the matter, and the motion died for lack of a second.

Further, the City Council, on motion of Council Member Snider, Pennino second, authorized the City Manager to execute addendum to the existing architectural agreement with Wenell Mattheis Bowe for Phase II of architectural services for the Civic Center Improvement Project in the amount of \$18,360.00 by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

RENEWAL OF CONTRACT FOR JANITORIAL SERVICES  
FOR CITY FACILITIES

RESOLUTION NO. 93-71

CC-90  
CC-300

Janitorial duties in the Public Safety Building, Carnegie Forum, Municipal Service Center, City Hall, Hutchins Street Square, and Parks and Recreation offices are carried out by a contract janitorial service. Korean Building Maintenance has maintained a portion of these facilities since July 1, 1984. Additional square footage and janitorial responsibilities have been added over the years as City facilities have expanded and been remodeled.

On June 5, 1991, in order that other commercial cleaning firms be able to be considered, the City Council approved updated specifications and authorized advertising for bids. Bids were opened on June 18, 1991 and four bids were received.

Korean Building Maintenance was the low bidder at \$5,950.00 per month, or \$70,000.00 per year. The other three bids ranged from \$117,788.16 per year to \$630,888.00 per year. The difference between Korean Building Maintenance and the second low bidder was almost \$48,000.00 per year.

On June 3, 1992, the City Council authorized renewing the contract for janitorial services to Korean Building Maintenance for the 1992/93 fiscal year at \$100,000.00. Although that appeared to be a large increase (15%), it was only slightly over what we paid for the same janitorial services in 1990/91 (at \$86,700.00) because it included additional square footage and cleaning requirements at Hutchins Street Square, the Parks and Recreation administration building, trailer, and annex, and added White Slough to the list of facilities maintained.

Korean Building Maintenance has proposed to contract janitorial services for the 1993/94 fiscal year at \$109,610.00, which is the same cost the City pays now, due to additional square footage and services recently added.

Primarily, the cleaning responsibilities have remained the same as in previous years, but these few additions/changes should be approved as an addendum to the contract:

- A) Parks and Recreation offices shall be cleaned three times per week and the annex cleaned four times per week, with the tile areas mopped weekly, waxed bimonthly, and windows cleaned quarterly.
- B) At the Municipal Service Center, the Electric Utility annex, or portable office complex, shall be added at \$350.00 per month, or \$4,200.00 per year. Duties shall be the same as specified for Municipal Service Center (Sections 5.4-5 and 5.4-6).
- C) The Equipment Maintenance Shop office floor shall be stripped and waxed monthly for \$75.00 per month.
- D) Janitorial services for the Fire Prevention Bureau building have been added at \$150.00 per month, or \$1,800.00 per year. Duties shall be as specified in the Description of Work signed on January 8, 1993.
- E) The Public Safety Building jail shall be completely "power washed" four times per year at \$525.00 per time, or \$2,100.00 annually.
- F) All previous changes/additions in prior addendum(s) shall remain in effect.

Because the proposed annual cost for janitorial services is still under the second low bid of two years ago (by approximately \$8,200.00), it was recommended the Council renew the contract with Korean Building Maintenance rather than rebid at this time.

Funds to finance the contract are included by various departments in the 1993/94 operating budget.

Council Member Mann stated that he would be voting "No" on this matter because he felt that it should go out to bid.

On motion of Council Member Sieglock, Snider second, the City Council adopted Resolution No. 93-71 renewing the janitorial contract for various City facilities to Korean Building Maintenance for \$109,610.00 by the following vote:

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

Noes: Council Members - Davenport and Mann

Absent: Council Members - None

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EMERGENCY ITEM ADDED TO THE AGENDA  
CLOSED SESSION - LITIGATION  
(CITY OF LODI V. SHELL CHEMICAL COMPANY, ET AL.)

The City Council, on motion of Council Member Sieglock, Mann second, unanimously determined that the need arose after the preparation of the agenda for an emergency item to be added to the agenda regarding Closed Session - Litigation (City of Lodi v. Shell Chemical Company, et al.).

Further, the City Council, on motion of Council Member Sieglock, Pennino second, determined it would hear the matter regarding Closed Session - Litigation (City of Lodi v. Shell Chemical Company, et al.).

CLOSED SESSION      The City Council adjourned to a Closed Session regarding the following matter:

CC-200(d)            a)                    Litigation - City of Lodi v. Shell Chemical Company et al.

The City Council meeting reconvened at approximately 11:55 p.m.

ADJOURNMENT        There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 11:56 p.m. to June 8, 1993 at 7:00 a.m.

ATTEST:

  
Jennifer M. Perrin  
City Clerk