

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 16, 1998
7:00 P.M.**

1. ROLL CALL

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

Absent: Council Members - None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima, Transportation Manager Tobar, City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Dr. Diane Garga, BAHA'I.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Sieglock presented a proclamation to Carol Theuriet with the Daughters of the American Revolution proclaiming the week of September 17 – 23, 1998 as "Constitution Week" in the City of Lodi.
- b) Mayor Sieglock presented a proclamation proclaiming the month of September, 1998 as "School's Open – Drive Carefully Month" in the City of Lodi. A representative of the California State Automobile Association (AAA) was unable to attend the meeting; therefore, the City of Lodi accepted the proclamation on their behalf.
- c) Bobby Whitmire with the Greater Lodi Area Youth Commission acknowledged the Teen of the Month, Nicasio Heras.
- d) Rob Lechner, Chairman of the Year 2000 Steering Committee, announced the Year 2000 Kickoff Event scheduled for October 8, 1998. In conjunction with the Downtown Gateway Dedication, the kickoff event will include the unveiling of a plaque designating the Hotel Lodi as an historical site and a photographic art show and reception inside the recently refurbished Hotel Lodi. Tickets for the Hotel Lodi event are \$10 for adults and \$3 for children 12 and under and can be purchased from the City Clerk's office.
- e) Mr. Antonio V. Pizano with the Housing Authority of the San Joaquin presented its 1997 Annual Report to the City Council.
- f) Mayor Sieglock presented a proclamation proclaiming the month of September, 1998 as "National Observance Month for Ovarian Cancer" in the City of Lodi. Representatives from the National Ovarian Cancer Coalition, Central Valley Chapter, were unable to attend the meeting; therefore, the City of Lodi accepted the proclamation on their behalf.

5. COMMENTS BY THE PUBLIC ON CONSENT CALENDAR ITEMS

- a) William Hobson, 405 West Locust Street #6, Lodi, spoke in regards to agenda item #E-11 entitled, "Reclassification of one Associate Civil Engineer position to Senior Civil Engineer". Mr. Hobson stated that he felt the City was in violation of civil service laws in reclassifying this position without the benefit of an open recruitment.

Responding to questions raised by Mr. Hobson were City Manager Flynn and Risk Manager Robbins. Following additional discussion, with the tacit concurrence of the City Council, it was determined that this matter would be pulled from agenda.

6. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$4,714,753.64.
- b) The minutes of September 1, 1998 (Special Meeting), September 2, 1998 (Regular Meeting) and September 8, 1998 (Special Meeting) were approved as written.
- c) Approved the plans and specifications for Loel Center bus stop, corner of Oak and Washington streets and authorized advertising for bids.
- d) Approved the specifications for 25 Lodi post-top luminaires and authorized advertising for bids.
- e) Accepted the improvements under the "White Slough Water Pollution Control Facility Holding Pond No. 1 Embankment Rehabilitation" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- f) Accepted the improvements under the "Traffic Signal and Lighting Installation, Turner Road and Mills Avenue" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- g) Adopted Resolution No. 98-133 accepting the development improvements for 1310 Thurman Street.
- h) Adopted Resolution No. 98-134 amending Traffic Resolution No. 97-148 establishing a 35-mile-per-hour (mph) speed limit on Elm Street between Evergreen Drive and Lower Sacramento Road.
- i) Adopted Resolution No. 98-135 authorizing the City Manager to file the claims for 1997/98 Transportation Development Act (TDA) funds in the amount of \$1,448,101.
- j) Adopted Resolution No. 98-136 authorizing the City Manager to provide a Public Benefits Program grant in the amount of \$150,000 to Hutchins Street Square and Performing Arts Center.

Council Member Johnson questioned when the City candidates for inclusion in a Public Benefits Program along with other customer candidates as indicated in the Council Communication for this item would be coming back to the City Council. Jack Stone, Manager, Business Planning and Marketing, responded that it is their intent to bring the matter back to the City Council at the Shirtsleeve Session of October 27, 1998.

- k) Agenda item #E-11 entitled, "Reclassification of one Associate Civil Engineer position to Senior Civil Engineer" was pulled from the agenda pursuant to staff's request.
- l) Adopted Resolution No. 98-138 amending the list of boards, commissions and city employees and officers subject to Conflict of Interest reporting requirements.

- m) Adopted Resolution No. 98-139 awarding the contract for transit buses' conversion to Compressed Natural Gas (CNG) to NGV Ecotrans Group, LLC, of Los Angeles, in the amount of \$189,087.46 and appropriated funds in accordance with staff recommendation. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
 - n) Adopted Resolution No. 98-137 awarding the contract for Guild Avenue Street Improvements, Vine Street to 660 Feet North of Vine Street to A.M. Stephens Construction Co., Inc., of Lodi, in the amount of \$123,575.00 and appropriated funds in accordance with staff recommendation.
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7. PUBLIC HEARINGS

None.

8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Pennino, Johnson second, unanimously rejected the following claims:
 - 1. Kelly and Martha Rott, date of loss 6/9/98
 - 2. Jimmie Rishwain, date of loss 7/18/98
 - 3. Darwin and Hazel Lewis, date of loss 7/21/98
 - 4. Luella Suckut, date of loss 6/1/98
 - 5. Benjamin Hernandez, date of loss 7/20/98
 - 6. Ryan Stelck, date of loss 8/16/98
- b) City Clerk Reimche read the following ABC License:
 - 1. Evelyn Goldman to Jayesh Kanubhai Patel, Togo's Eatery, 305 South Hutchins Street, Lodi, On-Sale Beer and Wine, Person to Person Transfer
- c) The City Council, on motion of Council Member Pennino, Land second, unanimously directed the City Clerk to post for the following vacancies:

Greater Lodi Area Youth Commission

Vacancy	Term expiring on August 30, 1998
Vacancy	Term expiring on August 30, 1999

9. REGULAR CALENDAR

- a) Agenda item #H-1 entitled, "Transit Service Improvements".

Transportation Manager Tobar reported that the transit services have increased in the past two years to improve service delivery and increase the service area. Those changes have brought a remarkable increase in ridership. The City of Lodi has received many requests, at public meetings, public hearings and through letters and phone calls, for extended evening GrapeLine and Dial-A-Ride hours. Following is a descriptive "menu" of items covering these requests.

1. GrapeLine Weekend Service to Micke Grove Park from May to October

Service to Micke Grove Park would help transit-dependent Lodi residents enjoy the park and zoo. Also, during peak periods, the parking lot is full regularly, and visitors are turned away. Zoo Manager Ken Nieland has been encouraging SMART and the City of Lodi to bring bus service to the park. SMART will begin sending Route 21, the intercity bus service from Manteca/Stockton to Lodi, to the park in 1999. The proposed GrapeLine service would begin in May 1999.

2. GrapeLine Sunday Service

Currently, the City of Lodi only offers Dial-A-Ride service on Sundays. Since the City extended Sunday hours in 1997, many churches in the area have purchased Dial-A-Ride tickets for elderly and disabled passengers. However, many more Lodi residents can be served by having fixed-route service available to them when they want to go to church. Shoppers will have one more available day, and fixed-route service will be available for the many events held in Lodi on Sundays. This may provide an additional benefit of reducing peak demand on Saturdays since riders will have an extra weekend day available.

3, 4, 5. GrapeLine Evening Service

GrapeLine evening weeknight service will help Lodi residents enjoy the performing arts at Hutchins Street Square, attend church weekday nights, attend the many Downtown events on Thursday nights, and allow all residents to stay out a little later. Laidlaw currently cannot provide the service on Saturday nights because it will require hiring and training more drivers and dispatchers. Wednesday-through-Friday-night GrapeLine service is recommended in order to assess the viability of the service and to maximize ridership. Due to flexibility in scheduling current drivers, this can be done without additional staff. By law, Dial-A-Ride service hours must match or exceed fixed-route service hours so, at a minimum, Wednesday-through-Friday-night Dial-A-Ride service hours would also need to be added.

6. Boys and Girls Club High School and Middle School Runs

Transportation directly from the two middle schools (Woodbridge and Lodi) to the Boys and Girls Club on Poplar Street would help keep the youths off the streets by providing a direct link. Many of the parents who work while their children are in school are very excited because the children would be accountable to their parents if they do not attend the Club. The Police Department endorses this service not just for the accountability it provides, but also because this is an alternative to gangs, and because the Teen Center on Stockton Street closed. Youths would also be able to attend local church meetings commonly held on Tuesday and Wednesday nights.

The Boys and Girls Club has indicated it can accommodate 500 more youths at the Poplar Street center. The Public Works Department is attempting to transfer unused Community Development Building Grant (CDBG) funds from the Teen Center Program to provide the service free to the students.

7. Morning Express High School Runs

After doing an informal survey of Lodi High School students, it was determined that not enough passengers would pay for a morning express run that would be routed along Central Avenue and Pine Street. A survey of Tokay High School students was not done. A formal survey by Lodi Unified School District may be required before making this recommendation.

8. Dial-A-Ride Monday-through-Friday-Evening Service

In order to get youths home from the Boys and Girls Club, or to and from local sports and church activities, evening Dial-A-Ride service would be the recommended form of transportation. Finally, many seniors and disabled Lodi citizens have requested evening Dial-A-Ride service. The estimate provides two buses; however, this is more flexible than fixed-route service and we may be able to reduce costs by providing one bus when demand is light.

9. Administration: Increasing Contract Amount to Laidlaw for a Reservation Agent

The implementation of the federally-mandated reservation system means that Laidlaw will need to provide a reservation agent. We have tried to do without this additional staff position, but with the increase in ridership, the position is justified. In addition, this agent will double as the information agent at the Multimodal Station when it opens.

The Public Works Department recommended menu items 1, 2, 5, 6, 7 and 8. At this time, no changes in fares are being recommended. However, staff is interested in generating additional program revenue without increasing fares. The most likely form would be allowing advertising on buses and bus stops. This could include an art component and public service announcements. It could provide revenue for further subsidizing or eliminating fares for certain programs or routes.

When President Clinton signed the Transportation Equity Act for the 21st Century (TEA-21), the Federal Government increased the City of Lodi's apportionments by about 20%. Funding is available for the increase in service hours.

Fiscal Year 1998/99	\$88,410	TDA
	\$29,470	FTA
Fiscal Year 1999/00	\$58,940	TDA
and beyond	\$58,940	FTA

Following a lengthy discussion with questions being directed to staff, the City Council, on motion of Mayor Pro Tempore Land, Johnson second, implemented the following menu items to improve the City's transit service:

- Micke Grove Park, Saturday – Sunday, May – October
- Sundays, 8:00 a.m. – 2:00 p.m.
- Wednesday – Friday evenings until 9:30 p.m.
- Boys and Girls Club High School and Middle School runs
- Morning express High School runs
- Dial-A-Ride, Monday – Friday evenings until 9:30 p.m.

10. RECESS

Mayor Sieglock called for a five-minute recess, and the City Council meeting reconvened at approximately 8:30 p.m.

11. ORDINANCES

- a) Agenda item #I-1 entitled, "An Ordinance Of The Lodi City Council Authorizing An Amendment To The Contract Between The City Council Of The City Of Lodi And The Board Of Administration Of The Public Employees' Retirement System (PERS)" was pulled from the agenda pursuant to staff's request.

- b) Ordinance No. 1665 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Chapter 6.12 Of The Lodi Municipal Code By Repealing And Reenacting Section 6.12.030 And 6.12.060, Relating To Dogs And Cats License-Renewal-Delinquency And Dog Vaccination-Required-Certificate-Exceptions, Respectively" having been introduced at a regular meeting of the Lodi City Council held September 2, 1998 was brought up for passage on motion of Council Member Pennino, Johnson 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 – Johnson, Land, Mann, Pennino and Sieglock (Mayor)
Noes: Council Members – None
Absent: Council Members – None

- c) Ordinance No. 1666 entitled, "An Ordinance Of The Lodi City Council Repealing And Reenacting Lodi Municipal Code Title 9, Public Peace, Morals And Welfare, Chapter 9.04.010, Relating To Alcoholic Beverage – Open Container In Public" having been introduced at a regular meeting of the Lodi City Council held September 2, 1998 was brought up for passage on motion of Council Member Land, Pennino 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 – Johnson, Land, Mann, Pennino and Sieglock (Mayor)
Noes: Council Members – None
Absent: Council Members – None

- d) Ordinance No. 1667 entitled, "An Ordinance Of The Lodi City Council Amending Lodi Municipal Code Chapter 12.04 – Encroachments By Adding Sections 12.04.10(F) 'Definitions', And 12.04.425 'Sidewalk Seating Area'" having been introduced at a regular meeting of the Lodi City Council held September 2, 1998 was brought up for passage on motion of Council Member Land, Sieglock second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

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

12. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) David Town, 411 East Vine Street, Lodi, stated that he was an employee of the Water/Wastewater Division of the City of Lodi Public Works Department and addressed the City Council regarding labor negotiations currently underway with the City of Lodi Maintenance and Operators (M & O) Unit. Mr. Town mentioned several points of concern as it related to these negotiations.
- b) Dean Cofer, General Manager of the San Joaquin County Employees Organization, P. O. Box 710, Stockton, also addressed the City Council regarding the matter and spoke on unresolved items involved in these negotiations.

City Manager Flynn stated that he also feels these workers are indeed the backbone of the City, and the City is appreciative of everything these employees have done; however, it is the City's policy not to negotiate in public. Mr. Flynn stated that the City is prepared to go to mediation because it is felt there are issues that need to be mediated.

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

- a) Council Member Pennino asked about the status of the Lower Sacramento Road project stating that he felt it should be a high priority. Public Works Director Prima responded to questions regarding the matter as were posed by members of the City Council.

- b) Mayor Pro Tempore Land announced that commencing Thursday, September 17 - 20, 1998, the Lodi Grape Festival is being held in Lodi, and he encouraged citizens of this community to attend. Mayor Pro Tempore Land also encouraged members of the community to attend the Annual Kiddies Parade, which is a wonderful part of this Festival.

Mayor Pro Tempore Land also announced that starting September 17, 1998, Citizen Awareness Classes are beginning in Lodi. There is no charge for these classes. He encouraged citizens to sign up for these classes and provided a telephone number to call.

Further, Mayor Pro Tempore Land stated that he had been approached by a couple of citizens about their concern regarding the increased rat population in Lodi and asked where citizens should go with complaints of this nature. It was indicated that contact should be made with the Local Health District or with Community Service Officers. Public Works Director Prima was directed to look into the matter.

Finally, Mayor Pro Tempore Land indicated that he has also received citizen complaints regarding the Pay Per View programs being offered on the local cable station indicating that the audio is not being scrambled. Mayor Pro Tempore Land asked that staff call MediaOne and ask them to remedy the situation.

- c) Council Member Johnson indicated his concern as to whether or not the City of Lodi is getting its fair share of Measure K monies. Council Member Johnson suggested that the COG Executive Director be asked to come before the Council to give a report as to how allocations are made.

Council Member Johnson asked if the City has given any consideration to a utility bill rate reduction for small businesses. City Manager Flynn indicated that a rate reduction recommendation would be brought before the City Council next month.

- d) Council Member Pennino advised that Carol Meehleis requested that he announce a dance being held in early December, 1998 at Hutchins Street Square.

- e) Mayor Sieglock reported that Fairmont Sign Company (a plastics company) recently announced that it is locating in Lodi. This will mean additional jobs for our community. In their decision to move to Lodi not only did Lodi's electric rates impact their decision; but also the company officials were impressed with our community. The Mayor thanked City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima, Electric Utility Director Vallow, and Economic Development Coordinator Goehring for their efforts in this matter.

Mayor Sieglock gave an update on a CalFed meeting he attended last week in Stockton. Their proposal would result in the significant conversion of Delta lands to non-agricultural use. The Mayor indicated that he would continue to monitor this and keep the Council apprised.

- f) City Manager Flynn also urged citizens of this community to attend the Lodi Grape Festival indicating that several City departments will be having booths including the Year 2000 Steering Committee.

The City Manager also reported that the City has been doing clean up work in the area of Lockeford Street and the Kentucky House Spur. This work is being done by prisoners.

Also, City Manager Flynn announced the trial "Welcome" signs have been placed at several ingress streets into the City of Lodi.

14. CLOSED SESSION

Mayor Sieglock adjourned the City Council meeting to a Closed Session to discuss the following matters:

- a) Conference with labor negotiator: Government Code §54957.6. Agency negotiator, Joanne Narloch. Employee organization, Lodi Police Dispatchers Association (LPDA) **There was no need to discuss this item.**
- b) Conference with labor negotiator: Government Code §54957.6. Agency negotiator, Joanne Narloch. Employee organization, San Joaquin Public Employees Association (SJPEA) for Maintenance and Operators
- c) Property acquisition at intersection of Central California Traction Tracks and Kentucky House Branch Track (APN #049-040-06, 07, 19 and 22). Government Code §54956.8
- d) Negotiate modification(s) to land lease/leases for White Slough Water Pollution Control Facility Property. Government Code §54956.8
- e) Prospective lease of City property (275± acres adjacent to White Slough Water Pollution Control Facility); the negotiating parties are ProStyle Sports and the City of Lodi. Price and terms of the lease are under negotiation
- f) Actual litigation: Government Code §54956.9(a). One case. People of the State of California; and the City of Lodi, California v. Randtron, a dissolved California Corporation, Oldco Holz, Inc., a suspended, bankrupt, and defunct California Corporation, to the extent of their interest in the combined single limits of liability coverage under certain policies of insurance issued by Employers Insurance Of Wausau, A Mutual Company, United States District Court, Eastern District of California Case No. CIV-598-0620(DFL)(DAD)
- g) Actual litigation: Government Code §54956.9(a). One case. Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 LKK PAN

15. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 11:25 p.m., and Mayor Sieglock disclosed the following actions:

There was no final action taken in these matters.

16. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 11:25 p.m.

ATTEST:

Alice M. Reimche
City Clerk