

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 4, 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, Community Development Director Bartlam, City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Reverend David S. Hill, Grace Presbyterian Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scout Fry from Boy Scout Troop No. 199.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Sieglock presented a proclamation to Jan Sarhat, Director of Memorial Home Care, proclaiming the month of November 1998 as "National Home Care Month" in the City of Lodi.
- b) Mayor Sieglock presented a proclamation to Police Chief Hansen, Animal Service Officers Bob Lonzo and Terri Arbuckle, and the animal shelter volunteers proclaiming the week of November 1 – 7, 1998 as "National Animal Shelter Appreciation Week" in the City of Lodi.
- c) Mayor Sieglock presented a proclamation to Paula Soto, with the Lodi Community Center, announcing the Mayor's Annual Holiday Child Share Program and its kickoff event on November 7, 1998 in the City of Lodi.
- d) Tim Mattheis with the Lodi Arts Commission presented an update to the City Council regarding the many activities of the Arts Commission.
- e) Mayor Sieglock presented a Certificate of Recognition to Jane Buchan for her service as a volunteer and as the Finance Department Volunteer Coordinator.
- f) Administrative Assistant to the City Manager Haynes presented a report to the City Council regarding the Hospice Tree Lighting and the 3rd Annual Parade of Lights. Further, it was requested that the City Council participate in the judging of the "City Council's Choice" ribbon for the parade.
- g) Mike Phillips with Phillips Vineyard presented the City Council with its gold medal winning wine *Symphony*.

5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$3,021,704.88.
- b) The minutes of October 14, 1998 (Joint Meeting with the Lodi-Woodbridge Winegrape Commission), October 20, 1998 (Special Meeting), October 21, 1998 (Regular Meeting) and October 27, 1998 (Special Meeting) were approved as written.
- c) Received the report of the sale of surplus vehicles in the following amounts:

1983 Chevrolet 30 Dump Truck	\$1,882.00
1983 Dodge Diplomat	\$ 194.50
1988 Ford Taurus	\$ 307.00
1990 Dodge Ram 50 Pickup	\$1,814.50
1992 Ford Crown Victoria	<u>\$2,152.00</u>
TOTAL	\$6,350.00
- d) Received the report of the sale of scrap metal from Modesto Junk Company, of Modesto, in the amount of \$9,099.60.
- e) Approved the specifications for bids for 384 electric watt-hour meters and authorized advertisement for bids.
- f) Adopted Resolution No. 98-160 authorizing the purchase of 25 Holophane® Prismsphere globe luminaires from the low bidder, G. E. Supply Company, of Sacramento, in the amount of \$13,199.38.
- g) Agenda item #E-7 entitled, "Authorize City Manager to execute hold harmless agreements required for issuance of Encroachment Permits for structural or long-term encroachments" was removed from the Consent Calendar and was discussed and acted upon following approval of the Consent Calendar.
- h) Agenda item #E-8 entitled, "Approve Wide Area Network (WAN) project as prepared by Angus-Hamer, Inc." was removed from the Consent Calendar and was discussed and acted upon following approval of the Consent Calendar.
- i) Agenda item #E-9 entitled, "Set Public Hearing for November 18, 1998 to consider the Planning Commission's recommendation that the City Council adopt the Growth Management Allocations" was removed from the Consent Calendar and was discussed and acted upon following approval of the Consent Calendar.
- j) Adopted Resolution No. 98-162 approving the extension of the Memorandum of Understanding (MOU) between the Lodi Police Dispatchers Association (LPDA) and the City of Lodi and approving a 2% salary increase effective October 19, 1998.

6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-7 entitled, "Authorize City Manager to execute hold harmless agreements required for issuance of Encroachment Permits for structural or long-term encroachments".

Public Works Director Prima reminded the City Council that the current City policy and ordinances (Lodi Municipal Code §12.04) provide that the Public Works Director may approve encroachment permits for privately owned and maintained structural or long-term improvements which encroach on the public right-of-way (street or public utility easements). The "structural" encroachments usually involve the installation of signs, the

construction of masonry fences along property lines, or other structural improvements which are integral to site development and will remain in place for a long period of time. Staff reviews the proposed encroachments with respect to proximity to existing public facilities, sight distance if located adjacent to street right-of-way, and other conditions which might adversely affect the City's use of the public right-of-way. In addition, the owner is also required to provide written authorization for the encroachment from other public utilities (PG&E, Pacific Bell and MediaOne) that may have existing facilities, or the right to place future facilities, within the public right-of-way. If a building permit is required for the encroaching structures, the encroachment permit conditions will require adherence to the plans approved by the Community Development Department.

City policy also requires that the property owner execute a hold harmless agreement in conjunction with the issuance of "structural" encroachment permits. A "standard" hold harmless agreement has been developed for this purpose. Past practice has been that each hold harmless agreement is individually approved by the Council prior to issuance of an encroachment permit. The agreements are recorded in the office of the San Joaquin County Recorder after execution by the City.

The number of "structural" encroachment permits which require hold harmless agreements has been increasing, along with the required staff time to prepare the Council report. In order to streamline the process and save staff time, it was recommended that approval of such hold harmless agreements be delegated to the City Manager. The review process outlined above for the issuance of the encroachment permit will remain unchanged. The hold harmless agreement will be forwarded to the City Manager for signature only after all the required documentation for issuance of the permit has been received.

Mayor Pro Tempore Land indicated his concern that the Council, by this action, would be by-passed in the entire process, and stated that he felt Council Members should be privy to information pertaining to encroachment permits. The City Council was advised by the Public Works Director and the City Attorney that the requested action authorizes the City Manager to execute the hold harmless agreements required in conjunction with the issuance of encroachment permits for structural or long-term encroachments.

Following additional discussion, the City Council, on motion of Mayor Pro Tempore Land, Pennino second, unanimously authorized the City Manager to execute the hold harmless agreements required in conjunction with the issuance of encroachment permits for structural or long-term encroachments, with the understanding that members of the City Council be furnished with copies of all such permits.

- b) Agenda item #E-8 entitled, "Approve Wide Area Network (WAN) project as prepared by Angus-Hamer, Inc."

Information Systems Manager Helmle presented the following report.

One of the City's major goals is to enhance access to information as well as to enhance customer service. As a means to achieve this goal, Council authorized staff, on April 1, 1998 to hire Angus-Hamer, Inc. to engineer a Wide Area Network (WAN) which would in essence connect all City departments via computers. Council also authorized staff to expend a total of \$15,000 for the engineering study and \$60,000 for the WAN equipment.

Larry Angus, Principle of Angus-Hamer, Inc., has now completed his engineering study and has proposed a WAN solution which is considerably more costly than the \$60,000 staff estimate. The cost differential can be attributed to many factors including the following:

- The Police Department is required, for security purposes, to have a sound firewall in place to eliminate unwanted hackers from accessing the system.
- There is a definite need to upgrade on-site fiber optic cabling and the need to install new fiber optic cable.
- There is a necessity of providing secure Internet access and e-mail for all City staff.
- The design called for additional equipment to facilitate tighter integration of Department's computer resources as a result of remote City sites. As an example, both the Police Department and the Fire Department are represented in four locations and each must operate as one unit. Likewise, the Public Works Department is located in three sites and must operate as one unit.

Short of contracting with a different consultant to re-engineer the Angus-Hamer Inc. solution, staff members have analyzed the proposal and have spoken with reputable individuals involved in information systems to ascertain the appropriateness of the project for the City of Lodi. It has been a consensus that the project is sound and appropriate for the City's needs.

Mr. Angus, in his proposal, identifies the various components which are necessary for the WAN and compares the costs of equipment as proposed by various vendors. Mr. Angus compared equipment costs and product quality and concluded that Cisco Systems would be the best provider for the necessary components.

The total project cost is \$295,000, which includes the previously authorized \$60,000 equipment expenditure. The net new cost necessary to implement the WAN is \$235,000. The Departments, which have been requested to financially participate in the acquisition of this system, are overwhelmingly supportive of the project.

Council Member Johnson stated that he was repeating his concern that the City should retain another engineer to reaffirm the information received from Angus-Hamer, Inc. regarding this proposal. Mr. Johnson stated that he was not against the project, but felt the City should obtain a second opinion.

Speaking on the matter was the following person:

1. Stacey R. Moreno, who represented herself as an employee of MCI Systems House, stated that she felt the money could be used for more pressing community needs. She stated that she is aware of the need for networking but thinks the money should be used for such things as school books or school repairs.

Council Member Pennino responded to Ms. Moreno that school books and school repairs would need to be from school district funds and not from the City of Lodi; however, he indicated his interest in any suggestions she might have to reduce the fiscal impact of this proposal.

Additional discussion followed with questions being posed by members of the City Council to Information Systems Manager Helmle. Mr. Helmle presented a comprehensive report as to how the proposed costs were arrived at and the importance of going forward with the recommendation. Further, Mr. Helmle indicated that this was an all-encompassing proposal, and that there would be no surprises.

It was suggested that staff meet with Ms. Moreno to ascertain if she could come up with some cost-saving suggestions.

Following additional discussion, the City Council, on motion of Council Member Mann, Pennino second, adopted Resolution No. 98-161 approving the Wide Area Network (WAN) project proposal as prepared by Angus-Hamer, Inc. for a total of \$235,000 net new funds which will supplement the previously authorized \$60,000 for the WAN equipment by the following vote:

Ayes: Council Members – Land, Mann, Pennino and Sieglock (Mayor)

Noes: Council Members – Johnson

Absent: Council Members – None

- c) Agenda item #E-9 entitled, "Set Public Hearing for November 18, 1998 to consider the Planning Commission's recommendation that the City Council adopt the Growth Management Allocations".

Council Member Johnson suggested that this matter be delayed to a time after the new Council Members are seated.

Discussion followed with questions being directed to Community Development Director Bartlam who indicated that he would prefer that it go forward on November 18, 1998.

The City Council, on motion of Mayor Pro Tempore Land, Pennino second, set the Public Hearing for November 18, 1998 to consider the Planning Commission's recommendation that the City Council adopt the Growth Management Allocations by the following vote:

Ayes: Council Members – Land, Mann, Pennino and Sieglock (Mayor)

Noes: Council Members – Johnson

Absent: Council Members – None

However, following discussion regarding another matter on the agenda, the City Council revisited this subject. After a brief discussion, the City Council, on motion of Council Member Johnson, Sieglock second, unanimously reset the subject Public Hearing for December 16, 1998.

7. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Sieglock called for the Public Hearing to consider approval of Federal Transit Administration (FTA) Fiscal Year 1998/99 Application.

Public Works Director Prima and Transportation Manager Tobar informed the City Council that the City of Lodi's Transit Division is in the process of preparing the Program of Projects for fiscal year 1998/99 to be submitted to the FTA. Part of that process is to hold a Public Hearing. The Program of Projects for fiscal year 1998/99 likely will contain more FTA funds for the Multimodal Station so that construction can be completed. Listed below are the projects requested to be included in this Program and the dollar amounts of each.

Operations	\$ 300,000
Vehicle Lease	\$ 18,600
Passenger Amenities	\$ 8,000
Component Rebuilds	\$ 9,600
Bus Shelters	\$ 72,000
Facility Upgrades	\$ 16,000
Vehicle-Related Equipment	\$ 3,000
Lodi Multimodal Construction	\$1,625,000
Six New CNG Buses	\$ 930,000
CNG Station	\$ 150,000
TOTAL	\$3,132,200

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Following questioning by Council Member Pennino, the City Council was assured that this involved the Federal Transit Administration (FTA) Fiscal Year 1998/99 Program of Projects *application only* as the specific projects had been approved earlier.

Hearing Opened to the Public

There was no one wishing to comment on this matter.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Mayor Pro Tempore Land, Sieglock second, unanimously adopted Resolution No. 98-163 approving the Federal Transit Administration (FTA) Fiscal Year 1998/99 Application.

8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Mayor Pro Tempore Land, Sieglock second, unanimously rejected the following claims:
 - 1. Charles Roosma, date of loss 8/11/98
- b) The following report was presented to the City Council:
 - 1. Planning Commission report of October 14, 1998
- c) The City Council, on motion of Council Member Pennino, Sieglock second, unanimously set a Public Hearing for December 16, 1998 to consider the appeal received from Tim and Emily Howard regarding Planning Commission decision on Use Permit #98-07, Lodi Memorial Hospital.
- d) City Clerk Reimche informed the City Council that her office had received a letter of appeal from Richard Gerlack, et al regarding the Planning Commission decision on Negative Declaration #98-09 and Growth Management Plan #GM98001, Vintners Square Apartments, 1265 Lower Sacramento Road.

Council Member Johnson suggested that this appeal be heard after the new Council Members are seated.

Speaking on the matter were the following persons:

- 1. Dale Gillespie, G REM, Inc, 920 South Cherokee Lane, Suite A, Lodi, requested that the Public Hearing go forward on November 18, 1998. Mr. Gillespie indicated that he had originally applied in May and does not understand the reason for the delay. Further, Mr. Gillespie stated that they have filed a fee agreement with Lodi Unified School District (LUSD) and had paid extra to have a traffic study completed by November 18, 1998.
- 2. Richard Gerlack, the appellant, 16 East Taylor Road, Lodi, stated that he is not able to be present on November 18, 1998 because of other commitments. Further, he stated that he had talked with other residents in the area, and they have not yet received any information regarding this matter. He also stated that the current plan is different from the original plan which called for a single-family residential development.

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Following additional discussion, the City Council, on motion of Mayor Pro Tempore Land, Johnson second, unanimously set the Public Hearing for December 16, 1998 to consider appeal from Richard Gerlack, et al. regarding Planning Commission decision on Negative Declaration #98-09 and Growth Management Plan #GM98001, Vintners Square Apartments, 1265 Lower Sacramento Road.

Because of this action, the City Council revisited Consent Calendar item #E-9. Following discussion, the City Council, on motion of Council Member Johnson, Sieglock second, unanimously reset the Public Hearing to consider the Planning Commission's recommendation that the City Council adopt the Growth Management Allocations for December 16, 1998.

9. REGULAR CALENDAR

None.

10. ORDINANCES

None.

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

There was no one wishing to comment under this segment of the agenda.

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

a) City Manager Flynn congratulated the City Clerk and her staff and Intern Janet Hamilton for an outstanding job on Election Day, indicating that they worked an 18-hour day in an effort to assist voters and bring up-to-date information to Lodi voters.

b) Council Member Johnson stated that notices had been appearing in the local newspaper from "Friends of the Columns" asking what the candidates intended to do regarding the obscuring of the columns at the Performing Arts Complex at Hutchins Street Square. Mr. Johnson stated that the answer is "nothing". The project has been completed and now the focus should be paying down the \$10 million debt.

Council Member Johnson also stated that he had received a flier from PG&E Energy Services promoting their clean electricity which is beneficial to the environment but at a premium cost. Mr. Johnson stated that the City of Lodi has clean power and that 75% of our power sources on an on-going basis are clean.

c) Mayor Pro Tempore Land stated that a couple of weeks ago he attended an open house at Camp Hutchins and expressed what an outstanding job they are doing. Mr. Land also indicated that they are looking into expanding their operation to accommodate parents who work swing shifts.

Mayor Pro Tempore Land also invited everyone to attend the Grape Bowl Classic being held November 7, 1998.

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13. CLOSED SESSION

Mayor Sieglock announced that there was no need to discuss the following matters:

- a) 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)
- b) 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

14. ADJOURNMENT

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

ATTEST:

Alice M. Reimche
City Clerk