

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 18, 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, City Engineer Murdoch, Community Development Director Bartlam, Parks and Recreation Director Williamson, Police Chief Hansen, City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Natalie Reyes, a representative of the Baha'i.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mena Khan with the Greater Lodi Area Youth Commission announced the Teen of the Month Jessica Graham from Lodi Academy High School and the Honorary Teen of the Month Scott Kaul from Lodi High School.
- b) Dennis Lewis with Lodi Adopt-A-Child made a presentation to the City Council regarding the Lodi Adopt-A-Child Christmas Wish Program.

5. COMMENTS BY THE PUBLIC ON CONSENT CALENDAR ITEMS

- a) Richard Warner, 15 Rio Vista Drive, Lodi, spoke in support of the staff recommendation on agenda item #E-10 entitled, "Amend Traffic Resolution to adopt speed limit modifications on Harney Lane and Turner Road".
- b) Wayne Knauf, 1714 Willow Point Court, Lodi, addressed the City Council regarding agenda item #E-14 entitled, "Authorize issuance of Request for Proposals (RFP) for G-Area Drainage Study and authorize City Manager to make organizational changes and budget amendments to place storm drainage responsibilities within Wastewater Utility". Mr. Knauf posed questions regarding Mallard Lake as it pertains to G-Area storm drainage. Public Works Director Prima responded to the questions explaining the role of Mallard Lake in the overall picture. Mr. Prima concluded his comments by stating that in the new design, Mallard Lake will no longer provide free space during storms but will serve as a conduit.

6. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$5,555,259.57.

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- b) The minutes of November 4, 1998 (Regular Meeting) were approved as written.
 - c) Approved the specifications for 1999 Sidewalk Repair Program and Miscellaneous Concrete Work and authorized advertising for bids.
 - d) Adopted Resolution No. 98-164 authorizing the purchase of Rainbird Maxicom components for irrigation systems at Armory, Blakely and Hale Parks in the amount of \$26,571.71.
 - e) Adopted Resolution No. 98-165 awarding the contract for installation of electric utility substructures on Century Boulevard and Rivergate Drive to the low bidder, Royal Electric Company, from Sacramento, in the amount of \$218,450.00.
 - f) Accepted the improvements under the "Lodi Lake South Playground Improvements, 1101 West Turner Road" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
 - g) Adopted Resolution No. 98-166 accepting the development improvements for Towne Ranch, Unit No. 6, Tract No. 2810.
 - h) Adopted Resolution No. 98-167 accepting the development improvements for Lodi Retirement Residence, 2145 West Kettleman Lane.
 - i) Agenda item #E-9 entitled, "Approve Final Map and Improvement Agreement for Millsbridge, Tract No. 2788, and No-Parking Zones on Mills Avenue north of Kettleman Lane, and Creekwood Drive east of Mills Avenue" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
 - j) Adopted Resolution No. 98-169 amending Traffic Resolution No. 97-148 by approving the speed limit modifications on portions of Harney Lane and Turner Road.
 - k) Authorized the City Manager to execute a professional services agreement with West Yost & Associates for the Wastewater Treatment Master Plan, and appropriated funds in accordance with staff recommendation.
 - l) Authorized the City Manager to execute an agreement with the Downtown Lodi Business Partnership (DLBP) to allow DLBP-sponsored events in the downtown area.
 - m) Authorized the City Manager to execute a professional services contract with the firm of Wenell Mattheis Bowe (WMB) for phase two of the Municipal Service Center (MSC) Expansion planning.
 - n) Authorized issuance of a Request for Proposals (RFP) for the G-Area storm drainage study and authorized the City Manager to make organizational changes and budget amendments to place storm drainage responsibilities within the Wastewater Utility with no increase in the total budget.
 - o) Agenda item #E-15 entitled, "Resolution of Intention accepting the Business Improvement Area (BIA) Annual Report expressing the Council's intention to levee an assessment and setting Public Hearing for December 16, 1998" was removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.
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7. ACTION ON ITEM REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-9 entitled, "Approve Final Map and Improvement Agreement for Millsbridge, Tract No. 2788, and No-Parking Zones on Mills Avenue north of Kettleman Lane, and Creekwood Drive east of Mills Avenue".

Public Works Director Prima informed the Council that the subdivision is located south of the Woodbridge Irrigation District Canal, east of the Sunwest XIV development and north of Tienda Drive. The development consists of sixty-three single-family residential lots and includes the construction of street improvements on Tienda Drive, the extension of Mills Avenue to Kettleman Lane, frontage improvements along Kettleman Lane, and modification of the existing traffic signal at the Mills Avenue/Kettleman Lane intersection. The project also includes installation of a four-way stop at the intersection of Mills Avenue and Tienda Drive. The frontage improvements for the Kettleman Lane Lift Station site at the southwest corner of the Tienda Drive/Mills Avenue intersection are included in the project. The Mills Avenue canal crossing is also being done in conjunction with this development under the terms of the Improvement Agreement for the Public Improvements of Millsbridge Subdivision, Phase I, approved by Council on November 19, 1997.

The developers, Tokay Development, Inc., a California corporation, and R. Thomas Development, Inc., a California corporation, have furnished the City with the improvement plans, necessary agreements, guarantees, insurance certificates and fees for the proposed subdivision.

The developers will receive credit against fees for the following items, all in conformance with LMC §16.40 Reimbursements for Construction:

1. Street improvements in excess of 68 feet on Mills Avenue (\$7,771.30) and 34 feet on Kettleman Lane (\$17,955.24);
2. Right-of-way dedication of Mills Avenue in excess of 68 feet (0.136 acres @ \$80,000.00/acre; \$10,880.00);
3. Retaining walls west of Mills Avenue as necessitated by the finished roadway design for the Mills Avenue canal crossing (\$47,126.20) in conformance with the above-referenced agreement for the canal crossing;
4. Oversize water mains in Tienda Drive and Mills Avenue (\$6,136.46) and the major water main street crossing in Kettleman Lane (\$9,331.08);
5. Master plan storm drain line in Tienda Drive (\$28,703.84); and
6. Street frontage improvements for the Kettleman Lane Lift Station site consisting of curb, gutter, sidewalk, and street paving (\$11,780.48) and one-half the cost of the water main installation (\$3,918.20).

Traffic Signal Modification

Since Mills Avenue is being extended to Kettleman Lane, the existing traffic signal at the Mills Avenue/Kettleman Lane intersection will be modified as a part of this project. Signal modification plans are being prepared by the developer's engineer and require Caltrans approval and issuance of a Caltrans encroachment permit prior to construction. The developers will be reimbursed for the cost of the signal modification in conformance with LMC §16.40 Reimbursements for Construction under the terms of an addendum to the Improvement Agreement. Staff will submit the addendum for Council approval and appropriation of necessary funds when the plans are approved and the actual cost is known. Acceptance of the public improvements for the Millsbridge subdivision is contingent upon the completion of this work.

Mills Avenue Canal Crossing

1. The construction of the canal crossing approach on the south side of the WID Canal required the placement of fill material. Since the subdivision site did not contain sufficient soil to accommodate the crossing construction and the grading operations for the subdivision, the development obtained fill material from G-Basin to balance the site. The developers shall provide the City with an accounting of material excavated and material placed at the subdivision site. Payment by developer for any excess material will be included in the terms of the above-mentioned addendum to the Improvement Agreement.
2. The final roadway paving for the Mills Avenue canal crossing will be installed as a part of this project in conformance with the previously mentioned agreement for the canal crossing. The final design for this work is in progress. Reimbursement to the developers for the cost of the final roadway paving will be included in the terms of the addendum to the Improvement Agreement. Acceptance of the public improvements for the Millsbridge subdivision is contingent upon the completion of this work.

No-Parking Zones

With the construction of Mills Avenue, bicycle lanes will be installed as recommended in the Lodi Transportation Master Plan. As a condition of the tentative map, City staff requested no-parking zones at the following locations to accommodate travel lanes and improve visibility.

1. Mills Avenue
 - a) Both sides from Kettleman Lane to 275 feet north of Kettleman Lane;
 - b) East side between Tienda Drive and Brentwood Drive; and
 - c) East side between Bridgewood Drive and Creekwood Drive.
2. Creekwood Drive
 - a) North side between Mills Avenue and Crystal Lane.

The no-parking zones on Mills Avenue immediately north of Kettleman Lane are located adjacent to commercial sites which will have adequate on-site parking. The no-parking zones north of Tienda Drive are adjacent to four residential side yards on the east side of Mills Avenue and adjacent to the Woodbridge Irrigation District Canal on the north side of Creekwood Drive.

Mayor Pro Tempore Land posed a number of questions regarding the staff presentation and recommendation, including the question as to whether or not bicycle lanes would be included in this subdivision and concerns regarding the proposed no-parking zones.

Following discussion, with additional questions being directed by the Council to staff, the City Council, on motion of Council Member Pennino, Land second, unanimously adopted Resolution No. 98-168 taking the following actions with regard to the Millsbridge subdivision:

1. Approved the final map for Millsbridge, Tract No. 2788, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.
2. Appropriated funds for required fee credits/reimbursements.
3. Approved the installation of no-parking zones at the following locations:
 - a) Mills Avenue
 - i) Both sides from Kettleman Lane to 275 feet north of Kettleman Lane;
 - ii) East side between Tienda Drive and Brentwood Drive; and;
 - iii) East side from 50' south of Creekwood Drive to Creekwood Drive.

8. 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 the technical equipment purchase proposal for Local Law Enforcement Block Grant Program.

Police Chief Hansen informed the City Council that on July 10, 1998, the Lodi Police Department applied for a Grant from the Local Law Enforcement Block Grant Program Funds in the amount of \$93,372, which includes matching funds of \$9,372. The source of the matching funds will be taken from the 1998/99 Lodi Police Department Budget. When the funds are received, they will be placed in a special revenue fund, pending dispersal.

On October 14, 1998, an Advisory Board convened and reviewed the proposal for the disbursement of those funds. The proposal indicated that we would purchase software for the Records Management System.

The Advisory Board consisted of the following persons:

- Dr. Rich Ferrera, Assistant Superintendent, Lodi Unified School District
- Robert Baysinger, Judge, Lodi Municipal Court
- D.D.A. Scott Fichtner, San Joaquin County District Attorney's Office
- Richard Jones, President, Lodi Boys and Girls Club
- Charles Mauch, Captain, Lodi Police Department
- Jerry Adams, Captain, Lodi Police Department
- Larry Hansen, Chief, Lodi Police Department
- Julie Wall, Lodi Police Department

The Advisory Board agreed with the proposal and made no other recommendations.

Hearing Opened to the Public

There was no one wishing to speak on this matter.

Public Portion of Hearing Closed

ACTION:

Chief Hansen responded to a number of questions regarding the matter as were posed by the City Council. Council Member Pennino asked that Chief Hansen provide him with a copy of the 1996 and 1997 expenditures.

The City Council, on motion of Mayor Pro Tempore Land, Sieglock second, unanimously adopted Resolution No. 98-171 authorizing the Lodi Police Department to purchase software for the Records Management System in the amount of \$93,372.00, which includes \$9,372 in matching funds to be taken from the 1998/99 Lodi Police Department budget.

9. 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 Sieglock, Land second, unanimously rejected the following claims:

1. Norman Hubner, date of loss 7/17/98
2. Olga Silva, date of loss 7/20/98

Speaking on the matter were the following persons:

1. Jeff Zarifis, 1108 Waterford Way, Lodi, spoke on behalf of the homeowners association in the Bridgetown subdivision and urged the Council to adopt a more neutral, geographical name. He further stated that the homeowners wanted to retain the name of Bridgetown Park.
2. Steve Scott, 511 Virginia Avenue, Lodi, spoke of the many outstanding qualities of Elvera Melby and urged the Council to name this park in her honor. Mr. Scott further stated that on the recommended list that had come from the Parks and Recreation Commission, Mrs. Melby, an educator and long-time member of the Parks and Recreation Commission, was the only female and non-past Council Member on the list.

Mayor Pro Tempore Land proposed that the park be named "Mayor's Park" and that a plaque be placed at the park identifying all past Mayors of the City. Further, in the future as new Mayors are selected, their names would be added to the plaque.

Council Member Mann stated that he had been asked by a constituent to offer the name of "Towne Park" to those names being considered.

Council Member Pennino stated that the idea of a geographical name appealed to him.

It was suggested that this matter be returned to the Parks and Recreation Commission for consideration of geographical names as well as those previously recommended.

A lengthy discussion followed. Council Member Johnson then moved that the park be named for Elvera Melby. The motion died for lack of a second.

Council Member Pennino then moved that the park be named "Towne Park". The motion died for lack of a second.

Council Member Mann moved that the park be named "Schaffer Park" with a request that the motion carry by four or more votes. Mayor Sieglock seconded the motion. Council Member Land then stated that a member of the Schaffer family had asked him that Mr. Schaffer's name be withdrawn from consideration. The motion and second were therefore withdrawn.

Council Member Mann then made a motion to adopt Resolution No. 98-172 naming the park the "Bozant 'Bo' Katzakian Park". The motion carried by the following vote:

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

Noes: Council Members – Johnson and Land

Absent: Council Members – None

- b) Agenda item #H-2 (formerly #E-15) entitled, "Resolution of Intention accepting the Business Improvement Area (BIA) Annual Report expressing the Council's intention to levee an assessment and setting Public Hearing for December 16, 1998".

City Attorney Hays informed the City Council that before it was the annual report which is required by the Streets and Highways Code relative to the Business Improvement Area Assessment. Mr. Alan Goldberg a member of the Board of Directors was present to respond to any questions the City Council might have regarding the matter.

Discussion followed with questions regarding the matter being posed by members of the City Council. Council Member Pennino indicated his concern that a better job of "out-reaching" needed to be done. Council Member Johnson asked if the assessments are enforceable or are being enforced. The City Attorney responded that past due assessments have now been sent on for collection.

Following additional discussion, the City Council, on motion of Council Member Pennino, Land second, unanimously adopted Resolution of Intention No. 98-170 accepting the Business Improvement Area (BIA) Annual Report expressing the City Council's intention to levee an assessment and setting Public Hearing for December 16, 1998.

11. ORDINANCES

None.

12. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Barbara McWilliams, owner of Posers T.V. and Radio, 208 South School Street, Lodi, invited the public to attend the December 3, 1998, Parade of Lights, which will commence at 6:27 p.m. Ms. McWilliams indicated that presently there are 88 entries in the parade.
- b) Jane Lea, representing the East Side Improvement Committee, 1931 Holly Drive, Lodi, advised that a survey had been conducted regarding neighborhood concerns. Ms. Lea presented numerous charts reflecting the results of the survey indicating that 61% of those surveyed had indicated that the number one concern in the community was crime.

Following her presentation, Ms. Lea asked for Council direction as to how the Committee should now proceed. The City Council thanked Ms. Lea and the East Side Improvement Committee for the information and stated that this had been their first opportunity to review this matter. The City Clerk was asked by the City Council to provide them with copies of the materials that Ms. Lea had presented.

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

- a) City Manager Flynn invited the community to the official Arch Lighting which will take place November 19, 1998, commencing at 6:00 p.m. at Pine and Sacramento Streets and gave a brief overview of the planned event.
- b) Mayor Sieglock and Mayor Pro Tempore Land wished the citizens of Lodi a Happy Thanksgiving.
- c) Mayor Pro Tempore Land advised that the newly elected members of the Lodi City Council will be sworn into office on Tuesday, December 1, 1998. The ceremony, along with the reorganization of the City Council, will take place at 7:00 p.m. in the Carnegie Forum.

14. CLOSED SESSION

Mayor Sieglock adjourned the City Council meeting at 8:40 p.m. to a Closed Session 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) **There was no need to discuss this matter.**

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- 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 **There was no need to discuss this matter.**
- c) Personnel – Performance Review of Council Appointees (Government Code §54957) – City Clerk, City Attorney and City Manager; and appropriate action

15. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 10:35 p.m., and Mayor Sieglock disclosed that there were no actions taken regarding items a) and b). However, in regards to item c), the City Council took the following actions:

- The City Council, on motion of Mayor Sieglock, Mann second, unanimously adopted Resolution No. 98-173 approving a salary increase of three and one-half percent (3-½ %) for the City Manager, effective the first pay period of 1999 beginning December 28, 1998.
- The City Council, on motion of Mayor Sieglock, Land second, adopted Resolution No. 98-174 approving a salary increase of three and one-half percent (3-½ %) for the City Attorney, effective the first pay period of 1999 beginning December 28, 1998 by the following vote:
Ayes: Council Members – Johnson, Land, Pennino and Sieglock (Mayor)
Noes: Council Members – Mann
Absent: Council Members – None
- The City Council, on motion of Mayor Sieglock, Land second, unanimously adopted Resolution No. 98-175 approving a salary increase of three and one-half percent (3-½ %) for the City Clerk, effective September 1, 1998.

16. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 10:55 p.m.

ATTEST:

Alice M. Reimche
City Clerk