

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JULY 7, 1999
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Hitchcock, Mann, Nakanishi, Pennino and Land (Mayor)

Absent: Council Members – None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima, Community Development Director Bartlam, Parks and Recreation Director Williamson, City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Pastor Steve Newman, First Baptist Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Webelos Cub Scout Troop No. 295.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Land presented the July Community Improvement Award to Juan and Rosa Ramirez, current resident owners, of 505 East Elm Street. The previous owners, Robert Smith and Hal Hutchins, were unable to attend the meeting to receive their award.
 - b) Mayor Land presented a proclamation to Parks and Recreation Director Williamson proclaiming the month of July as "Parks and Recreation Month" in the City of Lodi.
 - c) Bill Crabtree, member of the Lodi Arts Commission, provided an update to the City Council regarding the accomplishments and activities of the Lodi Arts Commission.
 - d) Mayor Land and Parks and Recreation Director Williamson recognized the following partners and volunteers of the Parks and Recreation Department:
 - **Dr. Sean Collins** For sponsoring 20 BOBS youth teams in each of the past two years under the Tin Grins name;
 - **Japanese American Citizens League (JACL)** For their sponsorship of five BOBS youth teams and providing scholarships for disadvantaged youth;
 - **Adam Anderson** For improvement projects in the Lodi Lake Nature Area (Eagle Scout project);
 - **Justin Durston** For improvement projects in the Lodi Lake Nature Area (Eagle Scout project);
 - **Lodi-Tokay Rotary Club** For the construction of the front entrance to Lodi Lake Park;
 - **Rad Bartlam and Scott Kenley with the Lodi-Tokay Rotary Club** Special Recognition for their efforts in the construction of the front entrance to Lodi Lake Park; and
 - **Janet Hamilton** For her assistance in writing, coordinating and securing a \$360,000 After School Program/Safe Neighborhoods grant for the department.
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5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$4,297,373.22.
- b) The minutes of June 15, 1999 (Special Meeting), June 16, 1999 (Regular Meeting), June 22, 1999 (Special Meeting) and June 29, 1999 (Special Meeting) were approved as written.
- c) Approved the plans and specifications for Lodi Lake/Glaves/Beckman Park walkways and authorized advertisement for bids.
- d) Agenda item #E-4 entitled, "Award contract for Softball Complex Bleacher Project" was pulled from the agenda pursuant to staff's request.
- e) Agenda item #E-5 entitled, "Award contract to Plummer Towing to provide towing service for vehicle abatement from private property and the public right-of-way" was pulled from the agenda pursuant to staff's request.
- f) Adopted Resolution No. 99-95 awarding the contract for Sacramento Street Reconstruction, Pine Street to Oak Street to Teichert Construction, of Stockton, in the amount of \$159,197.20 (funds are available in the Multimodal Station Project budget).
- g) Adopted Resolution No. 99-96 awarding the contract for Guild Avenue Street Construction and Street Overlay, Industrial Way to Pine Street, and Thurman Street Street Construction, 300 Feet West of Guild Avenue to Guild Avenue to Teichert Construction Company, of Stockton, in the amount of \$587,133.40, following execution of a cost-sharing agreement with Pacific Coast Producers (PCP); appropriated funds in accordance with staff recommendation; and authorized the City Manager to execute a cost-sharing agreement with PCP for the Guild Avenue street improvement.
- h) Adopted Resolution No. 99-97 approving the contract with NGV Ecotrans, of Los Angeles, in the amount of \$55,000, for conversion of GrapelLine Bus 40 from diesel to compressed natural gas (CNG). **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- i) Accepted the improvements under the "Electric Utility Substructures, Highway 99 South of Kettleman Lane and Thurman Street West of Guild Avenue" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- j) Received for information only the Multimodal Station Contract Change Orders.
- k) Adopted Resolution No. 99-98 authorizing the City of Lodi to join the Pacific Housing and Finance Agency and establishing a "Lease to Own" program for residential home purchases.
- l) Approved forgiving an outstanding balance of Community Development Block Grant (CDBG) funds loaned to the Senior Service Agency to build a new kitchen at their existing center, located at 224 South Sutter Street, Stockton.

Mayor Land posed questions regarding this item and indicated that the \$24,000 loan was made in 1993. The Council was apprised that the agency had made some payments toward the repayment of the original loan of \$24,000; however, an unpaid balance of \$21,530.02 remains, and it is being requested that it be forgiven. Mayor Land stated that he felt the City Council should have been made aware of this delinquency.

Council Member Hitchcock asked questions as to why this was done as a loan instead of being an outright grant.

Council Member Mann asked if other agencies had forgiven loans to this agency. Community Development Director Bartlam responded to questions posed by members of the City Council and advised that the County of San Joaquin had forgiven its loan to the Senior Service Agency of San Joaquin and that negotiations with the City of Stockton are now underway.

Council Member Nakanishi asked about the agency's funding sources.

Speaking on the matter was the following person:

1. Brian Cornell, Director of the Senior Service Agency, responded to the questions as were posed by the City Council and outlined the various sources that provides funding for the agency.
- m) Adopted Resolution No. 99-99 approving the Residential HVAC Rebate Project, a demand-side management component of the City of Lodi Public Benefits Program up to \$150,000.
- n) Adopted Resolution No. 99-93 approving a Public Benefits Program grant in the amount of \$45,000 for an energy efficient lighting retrofit project for the Lodi Grape Festival and Harvest Fair. **(Due to a conflict of interest, Mayor Land and Council Member Mann abstained from discussion and voting on this matter.)**
- o) Adopted Resolution No. 99-94 approving a Public Benefits Program grant in the amount of \$2,200 for the purchase of one energy efficient air conditioning unit for the Lodi Boys and Girls Club.

6. PUBLIC HEARINGS

None.

7. 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, Land second, unanimously rejected the following claims:
 1. Plummer Pontiac, date of loss 4/28/99
 2. Justin Thompson, date of loss 12/3/98
- b) The following report was presented to the City Council:
 1. Planning Commission report of June 23, 1999
- c) The City Council, on motion of Council Member Pennino, Hitchcock second, unanimously made the following appointment:

San Joaquin County Community Development Block Grant Program Policy Advisory Committee
Keith Land, Mayor

- d) The City Council received a status report from City Clerk Reimche regarding the Advisory Board 49-99 Library Systems. Following a brief discussion, the City Council, on motion of Council Member Pennino, Nakanishi second, unanimously concurred with the recommendation to place the responsibility and management of the Advisory Board 49-99 Library Systems under the direction of the Library Board of Trustees.

8. REGULAR CALENDAR

- a) Agenda item #H-1 entitled, "Report on Mills Avenue North of Kettleman Lane".

Public Works Director Prima presented the following report.

On Wednesday, June 16, 1999, the extension of Mills Avenue between Royal Crest Drive and Kettleman Lane was quietly opened to traffic. The roadway and WID Canal crossing was constructed by the developer of the adjacent Millsbridge Subdivision and paid for by the City as part of the Local Streets Development Impact Fee Program. Since the opening, there have been a number of calls and questions about the impact of the opening and what the City will do to mitigate any adverse impacts. This report presents very preliminary data – normally we would wait a number of months to allow traffic to stabilize. This report discusses volumes, speeds, and truck traffic.

Volumes

Projected daily traffic volumes for Mills Avenue between Kettleman Lane and Vine Street range from 8,910 in the 1968 Street Master Plan to 11,000 in the 1991 General Plan. Given the planned growth in the southwest area, this increase is understandable. Longer-range projections done for the 1991 General Plan Environmental Impact Report show the volume peaking at 13,000 even with significant growth south of Harney Lane.

The projected volumes are above those one would expect on a typical residential street which only serves adjacent homes; however, not all residential streets enjoy such low traffic volumes. Some two-lane streets in residential areas with relatively high volumes are:

Hutchins Street south of Vine Street	12,000
Ham Lane north of Lodi Avenue	15,000
Lockeford Street west of California Street	8,400
Church Street north of Tokay Street	8,000
Mills Avenue north of Lodi Avenue	6,500

Volume counts taken on Monday, June 28, at Mills Avenue north of Royal Crest Drive show a total daily volume of 3,820 vehicles. We would expect this to climb as more people become familiar with the new route and the area south of the WID Canal develops. However, the volume will still be in line with the northern portions of Mills Avenue.

Given the volumes as we presently see them, staff does not recommend any additional stop signs on Mills Avenue. (One was added on Mills Avenue at Tienda Drive as part of the Millsbridge Project.) The number of signals and four-way stops on Mills Avenue is consistent with other north-south collector and arterial streets. In fact, it is the highest except for Church Street, which has a high number of signals in the Downtown.

Speeds

Speed limits on Mills Avenue are 30 mph south of Lodi Avenue and 35 mph north of Lodi Avenue. Prevailing speeds (85th percentile) between Vine Street and Elm Street are 36 to 37 mph and 33 to 34 mph south of Kettleman Lane. These are only slightly higher than the 30 to 35 mph prevailing speeds on typical residential streets even though they are subject to the 25 mph prima facie speed limit.

Speed counts taken north of Royal Crest Drive before and after the opening show a very slight increase in the speeds; however, with higher volumes, it is likely residents perceive much higher speeds.

	Tuesday October 13, 1998	Monday June 28, 1999
Percentage over 35 mph	16%	22%
Number over 35 mph	72	847
Percentage over 45 mph	1%	<1%
Number over 45 mph	1	18
50 th Percentile speed	30.2 mph	32.9 mph
85 th Percentile speed	36.6 mph	37.8 mph

A full engineering and traffic study to establish the speed limit for this segment of Mills Avenue would likely result in a speed limit of 30 or 35 mph.

Truck Traffic

We have received some complaints that large trucks are using this segment of Mills Avenue. Our traffic counters, which can classify traffic as to both speed and type of vehicle as well as count, have shown a few three-axle trucks, nothing larger. However, we need to do more checking on this. Certainly, if we see a pattern or more than a small number of larger trucks, we would recommend a restriction.

Mayor Land indicated his concern that the City keep its promise to property owners in the subject area regarding the safety concerns. Mayor Land suggested that truck traffic be restricted in the area, that a stop sign be installed at Royal Crest Drive and Mills Avenue, and that the street be striped.

A very lengthy discussion followed with questions being directed to staff.

Council Member Hitchcock stated that the extension of Mills Avenue is doing what it was designed to do, which was to reduce traffic on Ham Lane.

Council Member Mann indicated that he is in favor of a stop sign at Royal Crest Drive and Mills Avenue and he also favors the restriction of truck traffic as well.

Council Member Nakanishi stated that he feels it is important that the City Council keep promises that were made to residents of the subject area regarding this matter.

Council Member Pennino stated that he feels this discussion is premature and suggested waiting six months before making any decisions regarding the concerns that were expressed. He also stated that he feels there needs to be more traffic enforcement in the area and that we need more public awareness regarding the matter.

Speaking on the matter were the following persons:

1. Neil Huffman, 1115 Mills Avenue, Lodi, stated that he would appreciate the installation of a stop sign at Royal Crest Drive and Mills Avenue. He indicated that he was told traffic has increased four times since this extension of the street was opened. Mr. Huffman expressed his concern for the safety of the neighborhood children, as they cannot see oncoming traffic because of the crest of the street in the area. He also indicated that he would like to see the speed limit remain at 25 mph in the area.

Additional discussion followed with questions being directed to staff and to Mr. Huffman.

Staff was directed to bring back to the City Council at the August 4, 1999 City Council Meeting, the following concerns regarding this matter:

- Installation of stop sign at the intersection of Royal Crest Drive and Mills Avenue;
- Retaining a speed limit of 25 mph in the area;
- Restricting truck traffic in the area; and
- Proceeding with a speed study in the area.

It was also suggested that there be more aggressive traffic enforcement of the area.

9. ORDINANCES

- a) Ordinance No. 1675 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Title 2 – Administration And Personnel Of The Lodi Municipal Code By Adding Chapter 2.52 Declaring The Need For A Redevelopment Agency To Function In The City Of Lodi And Declaring The City Council To Be The Redevelopment Agency For The City Of Lodi".

Speaking on the matter were the following persons:

1. Janet Pruss, 2421 Diablo Drive, Lodi, asked a number of questions regarding Redevelopment Agencies, including how such an agency is funded. Community Development Director Bartlam responded to questions as were posed by Mrs. Pruss and by members of the City Council regarding the matter.
2. Walter Pruss, 2421 Diablo Drive, Lodi, stated that he does not feel that citizens of Lodi have been made aware of the functions of a Redevelopment Agency and the fact that it will impact the health, safety and welfare of the citizens of this community. He asked what size of an organization it would take to administer such a program. He further stated that he feels all of these things should be carefully weighed before any action is taken.
3. Virginia Lahr, P.O. Box 162, Lodi, stated that she finds this concept very interesting. She sees a lot of property being lost in our community because of blight and this could be just the tool that the City can use to eliminate it.
4. Neil Huffman, 1115 South Mills Avenue, Lodi, stated that he feels the City has done a marvelous job to date and that it has been done without another bureaucracy. He further stated that we should continue to improve our City without adding another agency.

Following additional discussion, Ordinance No. 1675 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Title 2 – Administration And Personnel Of The Lodi Municipal Code By Adding Chapter 2.52 Declaring The Need For A Redevelopment Agency To Function In The City Of Lodi And Declaring The City Council To Be The Redevelopment Agency For The City Of Lodi" having been introduced at a regular meeting of the Lodi City Council held June 16, 1999 was brought up for passage on motion of Council Member Hitchcock, 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 – Hitchcock, Mann, Pennino and Land (Mayor)
Noes: Council Members – Nakanishi
Absent: Council Members – None

10. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Eileen St. Yves, 310 South Orange Avenue, Lodi, stated that recently they had a fire at her apartment complex. She was most complimentary of the efforts and professionalism of the Lodi Fire Department in performing their job. Ms. St. Yves stated that the Fire Department was able to contain the fire to one unit and that their work was wonderful.
- b) Bob Johnson, 1311 Midvale Road, Lodi, indicated his concern that Council Member Pennino may have a conflict of interest between his position on the City Council and his employment with Pacific Gas & Electric (PG&E). Mr. Johnson cited information contained in a League of California Cities (LCC) document regarding this subject and encouraged Mr. Pennino to reconsider if he should be voting on utility issues. Mr. Johnson stated that Council Member Pennino's position as a major account representative for PG&E involves customer extension and expansion and feels that his job is to move accounts from Lodi Electric to PG&E.

Comments regarding the matter were made by members of the City Council who expressed their concerns regarding this matter and the perceived appearance of a conflict.

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

- a) Council Member Pennino responded to the allegations of a conflict of interest by stating that when he came on the Council, he and then City Attorney Bobby McNatt drafted a letter to the Fair Political Practices Commission (FPPC) regarding his employment with PG&E and any potential conflict he would have. He stated that he has been living by the response he received at that time from FPPC; however, he does realize that some rules have changed. Council Member Pennino stated that he does not feel that PG&E is in the generation business, and that he has abstained on every single transmission item. Further, Council Member Pennino stated that his job is not to take any customers from Lodi. He concluded his statement by saying that he will be working with the City Attorney on drafting a letter to FPPC, wherein he will provide information on the new PG&E and ask direction on what he can and cannot do in his capacity as a City Council Member.
- b) Council Member Hitchcock commented on the outstanding fireworks display on July 4, 1999 at the Oooh Ahhh Festival. Her only concern was the showering down of debris in the beach area. She questioned if this was typical and whether it posed a hazard.
- c) Council Member Nakanishi complimented Dorean Rice and the Lodi-Tokay Rotary Club for the outstanding Oooh Ahhh Festival and the fireworks display.
- d) City Manager Flynn stated that the second edition of "The Vine Line", the official City of Lodi employee newsletter, is out and announced that it contained in part the following information:
 - Congratulations to Deputy City Manager Janet Keeter and Police Partner Harold Linde on completing the 72-mile America's Most Beautiful Bike Ride around Lake Tahoe on June 6th. They completed the ride in 6 ½ hours.
 - Congratulations to the following June Graduates:
 - Lt. David Main graduated from St. Mary's College in Moraga with a Degree in Management;
 - Michael Manetti, son of Lt. Larry Manetti, graduated from Cal Poly, San Luis Obispo with a Biological Sciences Degree; and
 - Mike Helmle, son of Information Systems Manager Helmle, graduated from Elk Grove High School and will be entering the Navy in early July.

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- Lodi Electric Utility received the American Advertising Federation "Addy" Award for 1999. The award was presented to AL&Z Advertising for their multi-media campaign being utilized by Lodi Electric Utility and managed by Sondra Huff.
 - City of Lodi firefighters will be standing on the corner of Kettleman Lane and Tienda Drive (near Wal Mart) on July 31st with boot in hand to help raise money for the Muscular Dystrophy Association.
- e) City Attorney Hays announced that Deputy City Attorney Luebberke and his wife Monica are the proud parents of Dylan Thomas Luebberke who was born on July 5, 1999. Baby Dylan weighed 9 pounds at birth.

12. CLOSED SESSION

Mayor Land adjourned the City Council meeting at approximately 10:20 p.m. to a Closed Session to discuss the following matters:

- a) 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 **This item was not discussed.**
- b) Prospective lease of City property (400± acres adjacent to White Slough Water Pollution Control Facility); the negotiating parties are ProStyle Sports and the City of Lodi; price and terms are under negotiation
- c) Conference with labor negotiator, Human Resources Director Joanne Narloch, regarding Lodi Police Officers' Association (LPOA) pursuant to Government Code §54957.6) **This item was not discussed.**
- d) Threatened litigation: Government Code §54956.9(b); one case; potential suit by Vince Baker against City of Lodi based on personal injury accident **This item was not discussed.**

13. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 10:30 p.m., and Mayor Land disclosed that there was no final action taken in this matter.

14. ADJOURNMENT

There being no further business to come before the City Council, Mayor Land adjourned the meeting at approximately 10:30 p.m.

ATTEST:

Alice M. Reimche
City Clerk