

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JULY 21, 1999
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Hitchcock, Mann (left at 10:08 p.m.), Nakanishi, Pennino and Land (left at 10:08 p.m.) (Mayor)

Absent: Council Members – None

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

2. INVOCATION

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

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Land.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Land presented a proclamation to Rodney Cordero, City of Lodi Firefighter, celebrating the Firefighter Muscular Dystrophy Association Fundraiser in the City of Lodi.
- b) Mayor Land presented a proclamation to Dennis Lewis with Lodi Adopt-A-Child and to representatives from both Mervyn's and the Lodi Boys and Girls Club supporting the Lodi Adopt-A-Child Foundation ChildSpree. This program supplies back-to-school clothing for underprivileged children in Lodi.
- c) Mayor Land presented a proclamation to Police Chief Hansen and Community Service Officer Fuhs proclaiming August 3, 1999 as National Night Out in the City of Lodi.
- d) Bobby Whitmire with the Greater Lodi Area Youth Commission acknowledged the Teen of the Month, Erin Westgate from Lodi High School.
- e) Cynthia Haynes, Administrative Assistant to the City Manager, and Peter Knight with A&W Rootbeer, made a presentation to the City Council regarding the Lodi A&W Guinness World Book Record Rootbeer Float Event, which was recently held in Downtown Lodi.
- f) Mayor Land presented Certificates of Appreciation to the following organizations in conjunction with the San Joaquin County United Way Lodi Area Community Council. Administrative Assistant to the City Manager Haynes informed the City Council that the Lodi Area Community Council was given \$25,000 to fund local health and human care programs servicing the Lodi Area, and these organizations received grants ranging from \$500 to \$2,500.
 - Alzheimer Aid Society of Northern California (\$2,500)
 - Heritage School (\$2,500)
 - Leroy Nichols School (\$2,500)
 - Lincoln School Foundation (\$2,000)
 - Lodi Memorial Hospital – File of Life (\$2,000)
 - Lodi Unified School District (\$2,500)
 - Meadows Depot, Inc. (\$2,500)
 - Pregnancy Resource Center of Lodi (\$2,500)
 - St. Paul Lutheran Church (\$500)
 - The American Lutheran Church (\$1,000)
 - Victim Offender Reconciliation Program of San Joaquin County (\$2,500)
 - Women's Center of San Joaquin County – Lodi (\$1,500)

- g) Mayor Land presented the American Advertising Federation Addy Award to Sondra Huff, Electric Utility Management Administrator, with the Electric Utility Department for its multiple media CalPower campaign.
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5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$4,819,227.25.
- b) The minutes of July 7, 1999 (Regular Meeting), July 8, 1999 (Special Meeting) and July 13, 1999 (Special Meeting) were approved as written.
- c) Received the report of the sale of scrap metal to the high bidder, B & G Machinery, of Lodi, in the amount of \$2,633.65.
- d) Received the report of the sale of surplus equipment in the amount of \$1,395.
- e) Agenda item #E-5 entitled, "Plans and specifications and advertisement for bids for Kettleman Lane (Highway 12) and Crescent Avenue Traffic Signal/Median Project" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- f) Adopted Resolution No. 99-100 rejecting the bids received for the Softball Complex Bleacher Project and authorized re-advertisement for bids.
- g) Adopted Resolution No. 99-101 awarding the purchase of 10,000 feet of 2/0 and 20,000 feet of #2 15kV primary underground conductor to the low bidder, Pirelli Cables and Systems, of Colusa, California, in the amount of \$31,085.88. (**Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.**)
- h) Adopted Resolution No. 99-102 awarding the contract for the destruction of eight water wells, East Lodi Avenue, to Clark Well, Inc., of Stockton, in the amount of \$20,500.
- i) Agenda item #E-9 entitled, "Approve Fiscal Year 1998/99 Transportation Development Act (TDA) Claim" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- j) Adopted Resolution No. 99-104 authorizing the City Manager to execute the Construction Cooperative Agreement between San Joaquin County Council of Governments (SJCOG) and the City of Lodi for the Lower Sacramento Road Widening, Turner Road to Kettleman Lane Project.
- k) Adopted Resolution No. 99-105 approving the execution of the agreement for professional services with Resource Management International, Inc. (RMI), up to a maximum of \$82,500. (**Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.**)
- l) Agenda item #E-12 entitled, "Approve contract services for building plan check and inspections to BJY, Inc." was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.

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- m) Adopted Resolution No. 99-106 authorizing the City Manager to execute an agreement for Internet services, related to the Wide Area Network (WAN) project, with Pacific Bell Internet (PBI), a California Corporation.
 - n) Set Public Hearing for August 4, 1999 to consider the Planning Commission's recommendation that the City Council adopt the request of Del Smith/Bridgehaven Partners for a General Plan Land Use Amendment, GPA-LU-99-03 to change a portion of 1245 Woodhaven Lane from MDR, Medium Density Residential, to NCC, Neighborhood Community Commercial, and for a Rezone, Z-99-02 from Planned Development (PD) to Neighborhood Commercial, C-1.
 - o) Set Public Hearing for August 4, 1999 to consider the Planning Commission's recommendation that the City Council adopt a Rezone and General Plan Amendment on portions of 1549 and 1611 West Kettleman Lane. The requested change in zoning is from RCP, Residential Commercial Professional and R-2, Residential Single-Family to PD(33), Planned Development, and the requested General Plan Amendment is to modify an existing "O", Office, land use boundary.
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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-5 entitled, "Plans and specifications and advertisement for bids for Kettleman Lane (Highway 12) and Crescent Avenue Traffic Signal/Median Project".

Public Works Director Prima informed the Council that this project consists of installing a raised median on Kettleman Lane, from Ham Lane to Hutchins Street, with openings at Fairmont Avenue, Crescent Avenue, and the Vineyard Shopping Center's easterly driveway. The work also consists of constructing a four-legged intersection at Crescent Avenue and the Vineyard Shopping Center. At this intersection, a traffic signal will be installed with street lighting, pedestrian protection, handicapped ramps, and emergency vehicle detection.

Council Member Pennino expressed a concern that a promise had been made earlier to the businesses in the area, and asked staff to prepare a diagram of what is intended for this area.

Following additional discussion, the City Council, on motion of Council Member Pennino, Hitchcock second, unanimously approved the plans and specifications for Kettleman Lane (Highway 12) and Crescent Avenue Traffic Signal/Median Project and authorized advertisement for bids.

- b) Agenda item #E-9 entitled, "Approve Fiscal Year 1998/99 Transportation Development Act (TDA) Claim".

Public Works Director Prima reported that each year, the City of Lodi receives an apportionment of Transportation Development Act (TDA) funds to support Lodi's transit operations, pedestrian and bicycle, and street and road costs. These are local funds that must be spent on designated activities.

The City Council should be aware that our transit operations, Dial-A-Ride and GrapeLine, are fully funded with formula dollars from the Federal Transit Administration (FTA), TDA and other competitive sources of funds. Transit is not dependent on any General Fund money.

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Council Member Nakanishi asked staff to give an update to the public on how the GrapeLine system was funded. Public Works Director Prima provided a report and answered additional questions.

The City Council, on motion of Council Member Nakanishi, Pennino second, unanimously adopted Resolution No. 99-103 authorizing the City Manager to file the claim for 1998/99 TDA funds in the amount of \$1,748,653.

- c) Agenda item #E-12 entitled, "Approve contract services for building plan check and inspections by BJY, Inc."

Community Development Director Bartlam presented the following report.

Due to the present and projected workload in the Building Division, staff has sought additional consulting plan check firms to supplement the work currently done by another firm. This consultant would provide identical services with the same compensation schedule. The benefits to the City will enable us to even out the amount of work going to a single source, thus keeping the turn around time to a minimum.

The building function has used outside plan check services for many years. This service not only supplements staff's workload, but importantly provides expertise not available with in-house resources. We have worked with personnel from this firm in the past and are confident they can provide the quality of service we demand.

Mayor Pro Tempore Mann expressed a concern that this firm is from Texas and questioned whether or not any local businesses qualified and were interviewed. Mr. Bartlam responded that BJY, Inc. has an office in Sacramento. He further indicated that the City currently uses local firms; however, due to increased workloads, additional plan check services are necessary.

Following additional discussion, the City Council, on motion of Mayor Pro Tempore Mann, Hitchcock second, unanimously approved the professional services agreement for building plan check and inspection services with BJY, Inc.

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 Land called for the Public Hearing to consider Intention to Vacate Vine Street from Southern Pacific Railroad (SPRR) right of way to 100 feet east on Vine Street.

(Due to a conflict of interest, Mayor Pro Tempore Mann abstained from discussion and voting on this matter.)

Public Works Director Prima informed the City Council that Pacific Coast Producers (PCP) requested that the west 100 feet of Vine Street be abandoned in order to secure the property so forklifts can cross the street without having gates to go through. Additionally, the fence blocking the railroad tracks at Vine Street is periodically vandalized and schoolchildren use this area to cross the tracks. With the installation of another fence across Vine Street, the likelihood of children crossing two fences to cross the tracks is lessened. Only PCP, who owns the property on either side of the street, uses this portion of Vine Street. The abandonment of this portion of the street will also decrease the forklift traffic now using other portions of Vine Street.

A permanent easement will be maintained for all water, sanitary and industrial wastewater mains, valves, meters and manholes. City personnel will have access to these facilities at any time for routine and emergency repairs, maintenance and inspections. There will be no storage or construction on the abandoned street area. All agencies and departments have been notified of the intention to vacate, and all concerns have been met.

This action was considered by the Planning Commission on July 14, 1999, and the following Resolution No. P.C. 99-20 was adopted on a 6 – 0 vote (Mattheis was absent):

"WHEREAS, the Planning Commission of the City of Lodi has heretofore considered the request for street vacation pursuant to the City Code and the Streets and Highways Code; and

WHEREAS, the adjacent property owners have requested the street to be vacated; and

WHEREAS, the proposed vacation will not be detrimental to the City circulation system; and

WHEREAS, the proposed vacation is in keeping with the principles of the General Plan.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

The Planning Commission hereby recommends to the City Council that 100 feet of Vine Street be vacated east of the Southern Pacific Railroad right-of-way."

Council Member Hitchcock asked if, with this proposed vacation, the City is declaring that there is no public need for that segment of Vine Street. She further stated that there are a limited number of through east/west streets, and she has some concern about going forward with this vacation. If the City found a need for this property in the future, it would then have to buy back the property.

Questions were posed by Council Member Hitchcock and other members of the City Council as to whether reversionary interests could be retained on the subject property, or if the City could lease the area to Pacific Coast Producers (PCP).

Hearing Opened to the Public

1. Peter Zahos, representing Pacific Coast Producers (PCP), 1224 South Pleasant Avenue, Lodi, indicated that PCP requested the west 100 feet of Vine Street be abandoned in order to secure the property so forklifts can cross the street without having gates to go through. Mr. Zahos stated that this is a security issue and they would not have a problem with a lease.

Public Portion of Hearing Closed

ACTION:

Following additional discussion with questions being directed to staff, the City Council, on motion of Council Member Pennino, Hitchcock second, directed staff to develop a lease with PCP regarding the subject property, rather than proceeding with the proposed vacation, by the following vote:

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

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – Mann

- 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 Land called for the Public Hearing to consider a resolution to adjust the Supplemental Specific Area Fee for the Kettleman Lane Lift Station Service Area.

Public Works Director Prima presented the following report.

Various sewer improvements have been constructed in the Kettleman Lane Lift Station Service Area. Specifically, the projects completed are the Tienda Drive Lift Station and the Tienda Drive Sewer Main. The Tienda Drive Lift Station will serve the existing Sunwest 12 subdivision and all properties in Benefit Zone A and Benefit Zone B. The Tienda Drive Sewer Main serves properties in Benefit Zone A.

The final total costs for the Tienda Drive Lift Station and the Tienda Drive Sewer Main are \$363,375.25 and \$58,113.23, respectively. This includes the actual total costs, including construction, design, contract administration, administrative services provided by Harris & Associates, and other fees for the Tienda Drive Lift Station and Tienda Drive Sewer Main, respectively. Therefore, the total project cost for all improvements within the Kettleman Lane Lift Station Specific Area is \$421,488.48. This total cost has been distributed among the benefiting properties using a "fair-share" cost allocation methodology.

The final fair-share obligation for each property is based on their benefit from the improvements, as well as their acreage and land use. The acreage is adjusted to a "Residential Acreage Equivalent" by the RAE factor similar to that used for the City's Development Impact Mitigation Fee Program. The benefiting properties are divided into two zones: Zone A for properties benefiting from both the Tienda Drive Lift Station and the Tienda Drive Sewer Main, and Zone B for properties benefiting only from the Tienda Drive Lift Station. The fair-share obligation for each property is based on the following formulas:

Zone A

"fair-share" obligation = $\frac{\text{property acreage} \times \text{property RAE factor}}{\text{sum of all property acreage} \times \text{property RAE factor for which the cost is being distributed}}$ X spread total for each Zone A item

Zone B

"fair-share" obligation = $\frac{\text{property acreage} \times \text{property RAE factor}}{\text{sum of all property acreage} \times \text{property RAE factor}}$ X spread total for each Zone B item

The Sunwest XII subdivision, which is not included in the benefit zones, has already paid fees in the amount of \$27,570.00, which was the supplemental specific area fee for the Kettleman Lane Lift Station Service Area at the time of development. The adjusted fee has been reduced to account for this amount.

In conformance with the adopted Ordinance 1518, which created and established the authority of the City for imposing and charging Development Impact Mitigation Fees in the City of Lodi, and Resolutions 91-172 and 93-26, which among others established the Supplemental Specific Area Fee for the Tienda Drive Lift Station, staff is proposing an adjustment of the Supplemental Specific Area Fee for the Kettleman Lane Lift Station Service Area for Benefit Zones A and B to cover the actual costs of providing the lift station and sewer main improvements.

Hearing Opened to the Public

1. Melvin O. Helmle, 2023 West Kettleman Lane, Lodi, asked what amount staff would estimate his hook-up fee to be and asked for assurance that he would not be required to pay this fee obligation until ~~he~~ requested to be hooked up to the system. Mr. Helmle further requested that this information be provided to him in writing because of an earlier experience he had with the City where he had received verbal affirmation only.

The City Council asked for clarification regarding requirements for paying the fee and hooking up to the City sewer system. Public Works Director Prima stated that no fee is required until an actual hook-up is made. The City's sewer ordinance provides for sewer connection if a main is within 100 feet of the property. However, this is generally not enforced unless there is some overriding factor, such as a health or safety problem. The typical scenario is that when a private septic system fails, the owner needs to obtain a County permit to rebuild the system. The County checks with the City to see if a sewer is available and, if it is, they deny the septic permit and require connection to the sewer. At that time, the fees would be due and payable.

The Council was satisfied with the policy and procedure for the Kettleman Lane service area. Further, the City Council directed the City Clerk to provide Mr. Helmle with a certified copy of the minutes of this meeting pertaining to the Council's action and the aforementioned policy as to when he would be required to pay this fee obligation.

Public Portion of Hearing Closed

ACTION:

Following additional discussion, the City Council, on motion of Council Member Nakanishi, Land second, unanimously adopted Resolution No. 99-108 entitled, "A Resolution Of The Lodi City Council Establishing Supplemental Specific Area Fees For The Kettleman Lane Lift Station Service Area".

8. COMMUNICATIONS (CITY CLERK)

- a) City Clerk Reimche read the following ABC Licenses:
 1. Ultramar, Inc., Beacon, 35 North Cherokee Lane, Lodi, Off-Sale Beer and Wine, Multiple Stock Transfer
 2. Ultramar, Inc. Ultramart, 2448 West Kettleman Lane, Lodi, Off-Sale Beer and Wine, Multiple Stock Transfer
- b) City Clerk Reimche reported that her office received a notice of Application No. 99-03-013 from Pacific Gas & Electric (PG&E) Company submitting cost and rate proposals on electric revenue cycle services to comply with a CPUC Order. This matter was for information only.
- c) City Clerk Reimche reported that her office received a notice that the United States of America Federal Energy Regulatory Commission will hold a public meeting with Pacific Gas & Electric (PG&E) Company for the Mokelumne Hydroelectric Project No. 137, the U.S. Forest Service, and other interested parties participating in a collaborative process to develop an agreement on streamflow issues in the Mokelumne relicensing proceeding.

9. RECESS

Mayor Land called for a ten-minute recess, and the City Council meeting reconvened at approximately 8:35 p.m.

10. REGULAR CALENDAR

- a) Agenda item #H-1 entitled, "Approve the Reimbursement for Public Improvements Agreement #RA-99-01 for installation of Tienda Drive sewer trunk line".

Public Works Director Prima reminded the City Council that in November 1997, the developer of The Vintage Retirement Residence, Lodi Retirement Residence, LLC, entered into an Improvement Agreement with the City to construct public improvements needed to serve their project located at 2145 West Kettleman Lane, which is in the Kettleman Lane Lift Station Service Area. The Improvement Agreement did not include the construction of sewer facilities in Tienda Drive that were to be constructed by the City as part of the Kettleman Lane Lift Station Project.

During the course of construction of the lift station project, the developer and their contractor, Colson & Colson, assumed responsibility for installing the sanitary sewer trunk line in Tienda Drive in order to expedite completion of the lift station project to coincide with the completion of the retirement residence. Since the sewer trunk line serves additional properties in the area, the developer requested reimbursement for the cost of installing the trunk line improvements.

The developer has executed the necessary reimbursement agreement and the construction cost of the Tienda Drive sewer trunk line (\$49,830.35) has been included in the Kettleman Lane Lift Station Service Area fees. Under the terms of the agreement, reimbursement will be in the form of credit for the lift station fees due on the developer's project at 2145 West Kettleman Lane (\$32,666.18) with the balance (\$17,164.17) being paid from lift station service area fees paid by other properties as they develop.

Following discussion, the City Council, on motion of Council Member Pennino, Mann second, unanimously approved the Reimbursement for Public Improvements Agreement #RA-99-01 for the installation of the Tienda Drive sewer trunk line and authorized the City Manager and City Clerk to execute the agreement on behalf of the City.

- b) Agenda item #H-2 entitled, "Award contract for five compressed natural gas (CNG) buses" was pulled from the agenda pursuant to staff's request.
- c) Agenda item #H-3 entitled, "City of Lodi Electric System Revenue Certificates of Participation 1999 Series A and 1999 Series B".

(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)

Electric Utility Director Vallow presented the following report.

As previously discussed with the Council, the City of Lodi Electric System Revenue Certificates of Participation (COP) 1999 Series A and 1999 Series B are a major component of the financial plan for the City of Lodi electric system. Funds provided will be used to reimburse the City for a portion of past electric distribution system capital expenditures and to provide funds for facility and distribution, transmission and lighting systems upgrades.

The resolution requests approval, execution and delivery of the COP documents listed below:

- Installment Purchase Contract;
- Continuing Disclosure Agreement;
- Certificate Purchase Agreement;
- Preliminary Official Statement; and
- Official Statement.

The following persons addressed the City Council, answering questions as were posed by the City Council and providing details regarding this matter.

1. George Wolf, Jr. with Salomon Smith Barney, Inc.; and
2. Alex Burnett with Public Financial Management, Inc.

Electric Utility Director Vallow reported on the use of the Lodi Electric Utility bond proceeds as shown below:

Reimbursements For Prior Expenditures:

Line extensions and service connections	\$ 1,879,688
Distribution system improvements	1,116,320
Substation construction	1,507,096
Vehicle and equipment purchases	1,034,131
Interconnection projects	<u>1,189,146</u>
Subtotal	\$ 6,726,381

Capital Plan (1999-2004)

Distribution/transmission system improvements	\$20,509,000
Equipment / facilities improvements	5,583,000
Vehicles – new and replacement	2,554,000
Distribution system / equipment replacements	<u>5,839,000</u>
Subtotal	\$34,485,000
All Projects	<u>\$41,211,381</u>

Following a lengthy discussion, the City Council, on motion of Council Member Nakanishi, Mann second, adopted Resolution No. 99-107 entitled, "A Resolution Of The City Council Of The City Of Lodi Relating To Electric System Revenue Certificates Of Participation; Approving The Forms Of And Authorizing The Execution And Delivery Of An Installment Purchase Contract, A Continuing Disclosure Agreement, A Certificate Purchase Contract And An Official Statement, And Approving The Distribution Of A Preliminary Official Statement In Connection Therewith; And Authorizing Certain Other Matters Relating Thereto" by the following vote:

Ayes: Council Members – Hitchcock, Mann, Nakanishi and Land (Mayor)
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Pennino

11. **MEETING OF THE PUBLIC IMPROVEMENT CORPORATION (PIC)**

Mayor Land adjourned the City Council meeting at approximately 9:14 p.m., and President Land called the meeting of the Public Improvement Corporation (PIC) to order. Secretary Reimche recorded roll, indicating that all Directors were present.

- a) Agenda item #I-1 entitled, "City of Lodi Electric System Revenue Certificates of Participation 1999 Series A and 1999 Series B".

(Due to a conflict of interest, Director Pennino abstained from discussion and voting on this matter.)

Following a brief discussion, the Corporation, on motion of President Land, Nakanishi second, adopted Resolution No. 99-1 entitled, "A Resolution Of The Lodi Public Improvement Corporation Relating To Electric System Revenue Certificates Of Participation; Approving The Forms Of And Authorizing The Execution And Delivery Of An Installment Purchase Contract, A Trust Agreement And A Certificate Purchase Contract In Connection Therewith; And Authorizing Certain Other Matters Related Thereto" by the following vote:

Ayes: Directors – Hitchcock, Mann, Nakanishi and Land (President)
Noes: Directors – None
Absent: Directors – None
Abstain: Directors – Pennino

There being no further business to come before the Corporation, President Land adjourned the meeting of the PIC at approximately 9:15 p.m., and Mayor Land reconvened the meeting of the City Council.

12. ORDINANCES

None.

13. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Ken Jeffers, President of the Highway 12 Association, 2145 West Kettleman Lane, Lodi, complimented staff, with particular note of Paula Fernandez and her hard work, on what has been accomplished on Kettleman Lane in such a very short time frame. Mr. Jeffers further commended the Mayor for mentioning the area of Lower Sacramento Road and the need to go forward with the improvements on that segment of the roadway.

Mr. Jeffers stated that \$75,000 had been allocated for extra Highway Patrol on Highway 12 and talked about patrol coverage of Highway 12 in other counties. Mr. Jeffers concluded by commenting on the large number of tickets that had been written on a Maximum Enforcement Day on Highway 12 near Tower Park.

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

- a) Council Member Hitchcock stated that at an earlier City Council Meeting, she had asked that the truck parking issue be placed on a future agenda, and she questioned the status of that request. City Manager Flynn indicated that it will be on the August 18, 1999 City Council agenda.
- b) Council Member Pennino stated that he had an opportunity to tour the Multimodal Station Project and that it is looking great. He further indicated that there is a good chance that we will have trains stopping there in early October. Council Member Pennino asked that a letter be sent to Warren Weber, Rail Program Manager with Caltrans, to be signed by all members of the City Council seeking support for passenger service in Lodi and a second daily train next year. Finally, Council Member Pennino requested that the graffiti be cleaned up on properties that would be seen by passing train passengers.
- c) Council Member Nakanishi stated that he would like to have the subject of the City's water supply placed on a future agenda for discussion.
- d) City Manager Flynn stated that there was a recent article in the Wall Street Journal regarding the City of Lodi. Economic Development Coordinator Goehring was complimented on his efforts regarding this article.

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City Manager Flynn reported that the City recently received calls from citizens thanking Street Superintendent Bradley and his crew for being most helpful in cleaning up asphalt material from a slurry seal project which had been tracked onto driveways and into garages. The crew consisted of Gene Byrd, Mitch Dolan, Mike Fitzpatrick, Dan Guerrero and Kyle Young.

- e) Mayor Land stated that recently the City Council hosted a reception honoring the Partners and Chaplains in Lodi. The Mayor thanked these volunteers for their dedication and for the thousands of hours they have given to the City. Volunteer hours in the Partners Program has amounted to over \$200,000 worth of time or 11 full-time Police Department employees.

15. CLOSED SESSION

Mayor Land adjourned the City Council meeting at approximately 9:25 p.m. to a Closed Session to discuss the following matters:

1. 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 matter was not discussed.***
2. 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 ***This matter was not discussed.***
3. Conference with labor negotiator, Human Resources Director Joanne Narloch, regarding Lodi Police Officers' Association (LPOA) pursuant to Government Code §54957.6) ***This matter was not discussed.***
4. Actual litigation: Government Code §54956.9(a); one case; People of the State of California v. Kruppe; San Joaquin County Superior Court, Lodi Branch, Case No. 285655 (City Citation Adjudication)
5. Review ground lease amendment of City property; the negotiating parties are Lodi Boys and Girls Club and the City of Lodi (***Due to a conflict of interest, Mayor Land and Mayor Pro Tempore Mann abstained from discussion on this matter and left the meeting.***)

16. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 10:30 p.m., and it was disclosed that there was no final action taken in these matters.

17. ADJOURNMENT

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

ATTEST:

Alice M. Reimche
City Clerk