



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Minutes - March 7, 1994 (Special Meeting), March 16, 1994 (Regular Meeting) and March 22, 1994 (Joint Meeting with the Lodi Arts Commission)

MEETING DATE: April 6, 1994

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council approve the minutes of March 7, 1994 (Special Meeting), March 16, 1994 (Regular Meeting) and March 22, 1994 (Joint Meeting with the Lodi Arts Commission), as prepared.

BACKGROUND INFORMATION: Attached is a copy of the minutes for March 7, 1994 (Special Meeting), March 16, 1994 (Regular Meeting) and March 22, 1994 (Joint Meeting with the Lodi Arts Commission), marked Exhibit A, B and C, respectively.

FUNDING: None required.


Jennifer M. Perrin
City Clerk

JMP

Attachment

APPROVED _____

THOMAS A. PETERSON
City Manager



recycled paper

file

MEMORANDUM

TO: Council Member Davenport

FROM: Jennifer M. Perrin
City Clerk *JMP*

DATE: March 30, 1994

SUBJECT: Your Questions Regarding the City Council Minutes of March 16, 1994

This is in response to your memo dated March 24, 1994 (please see attached).

1. **The minutes do not reflect that the cable company discontinued live T.V. coverage after the 1:20 a.m. break**

The minutes usually do not mention King Videocable and whether it was there or not to record the meeting. If the City Council directs that it be mentioned in the minutes, I shall do so.

2. **The minutes do not reflect the Council Members' dialogue in regard to Mr. Dennis Cochran's request to continue his agenda item regarding Graffiti Abatement Services**

You will recall that during budget discussion last year, the City Council voted to discontinue the preparation of both "long" and "short" minutes and instead prepare one set of "action minutes"; therefore, the minutes will not include this type of dialogue unless I am directed otherwise by the City Council. Further at your request, this matter will be placed on the next agenda; however, because the City Council took action to lay this matter on the table, it is my understanding that the item will require a vote to reconsider.

3. **Number the minutes to correspond to the City Council agenda**

Typically, the minutes are prepared to follow the meeting and the order in which the items were discussed and not the agenda; however, if Council would like to change that and number everything according to the agenda, I will accommodate that.

4. **The minutes do not identify the consent items removed by Council Member Davenport numbers 3, 4 & 8 and Mayor's comments and "inappropriate" laughter**

Please see page two of the minutes which identify Consent Calendar items # 3, 4 and 8 as being removed by Council Member Davenport. Further, as it was stated before, these minutes are "action minutes" and, therefore, do not reflect each comment or laughter made by City Council Members. If the Council directs that it be added, I will do so. At your request, these items will be placed on the next agenda, and a vote to reconsider the matter will be required.

5. *The minutes do not accurately reflect the time Council Member Davenport left the meeting*

The minutes do accurately indicate the time you left the meeting and that you left prior to Council discussion on the matter (which followed introduction of the matter by Mr. Callahan). However, I can see that this wording may not be as clear as I intended; therefore, the item will be changed to read as follows:

"Following introduction of this matter, Council Member Davenport left the meeting (approximately 2:14 a.m.)."

6. *Demand that agenda item #E-9 regarding the purchase of a police vehicle be placed on the next agenda*

At your request, this matter will be placed on the next agenda; however, as stated before, the City Council took action on this matter, and, therefore, the item will require a vote to reconsider.

7. *Minutes state improperly "the City Council meeting reconvened at approximately 2:30 a.m." and no proper adjournment of the meeting or time is reflected or documented on the tape recording*

Again, Mr. Davenport, you misunderstood (as I explained to you a second time on March 23, 1994). The meeting did reconvene and was adjourned by Mayor Sieglock at 2:30 a.m. as the minutes stated. What was explained to you was that the announcement of the adjournment was not recorded on the **tape recording system**, as is usually the case, and the adjournment time is, and always has been, recorded by the City Clerk in the official records; therefore, your assumption that the meeting is still "on going" is incorrect.

In summary, the only change on the minutes will be on page 10 in regards to when you left the meeting. If the City Council directs that there be other changes, I will do those immediately and send copies of the corrected minutes to our regular mailing list as you requested in your memo.

JMP

cc: Honorable Mayor
and Members of the Lodi City Council

CITY COUNCIL

JACK A SIEGLOCK, Mayor
STEPHEN J MANN
Mayor Pro Tempore
RAY C DAVENPORT
PHILLIP A PENNINO
JOHN R (Randy) SNIDER

CITY OF LODI

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THOMAS A PETERSON
City Manager
JENNIFER M PERRIN
City Clerk
NATI
City Attorney

RECEIVED

24 MAR 25 AM 10:24

JENNIFER M. PERRIN
CITY CLERK

M E M O R A N D U M

TO: JENNIFER PERRIN, CITY CLERK
FROM: RAY DAVENPORT, COUNCILMEMBER
DATE: MARCH 24, 1994
SUBJT: OMISSIONS AND ERRORS OF THE CITY COUNCIL
MINUTES MEETING OF MARCH 16, 1994

A review of the minutes of the regular meeting of March 16, 1994, reflect the following omissions or errors:

- 1.) The minutes do not reflect that the cable company discontinued live T.V. coverage after the 1:20 a.m. break called by Mayor Sieglock.
- 2.) The minutes do not reflect the councilmembers dialogue in regard to Mr. Dennis Cockran's request to continue his agenda item regarding Graffiti Abatement Services be postponed until the next council meeting due to the late hour. It should be noted Councilmember Snider and City Manager Tom Peterson stated "they do not want to listen to anything Mr. Cockran has to say"; "not wanting to listen" is not in the procedures to justify denial of a proper agenda item and suggest discrimination and bias against citizens protected by the first and fourteenth amendments. Please reschedule this item for the next regular meeting.
- 3.) Please number the minutes to correspond to the City Council Agenda ie.: J. 1. ect.
- 4.) The minutes do not identify the consent items removed by myself numbers 3, 4, and 8. The minutes do not reflect Mayor Sieglock's twice comments that he is not going to listen to me nor his inappropriate laughter concerning serious City business and expenditures of taxpayers' monies. The fact is items 3,4, and 8 were improperly approved because a councilmember was denied discussion on the consent calendar items as evidenced in the

transcription of the meeting prepared by your office.

Please place the items back on the agenda for discussion and proper action under regular calendar.

5.) The minutes do not accurately reflect the time I left the meeting, in fact I left the meeting after the introduction of item 9 not before. It was during Mr. Calahan's presentation on consent calendar item 9 that I left the meeting as reflected by Mayor Sieglock's acknowledgement of "good night" evidenced by the tape recording of the meeting.

6.) I have read the minutes and reviewed the tape of the council meeting on 3/21 and 3/23 and object to the procedure of consent item 9; purchase of a police car. Resolution 94-27.

I believe, the council action to be improper, not rising to an emergency as required by law, a violation of the Brown Act and improper council "action" of manipulating consent agenda items to the regular calendar, acting out of order, modifying the council communication and agenda item and railroading through the purchase of a police vehicle notwithstanding the law, policy and procedure.

I demand this item be placed on the agenda at the next meeting for discussion and proper action.

7.) The minutes state improperly "The City council meeting reconvened at approximately 2:30 a.m." This is not a true statement as admitted by you, the City Clerk; the council did not reconvene after the executive session and no proper adjournment of the meeting or time is reflected or documented on the tape recording of the March 16, 1994 council meeting.

Since the meeting was not properly adjourned, because no such motion to adjourn exists. I assume it is still on going.

Please make the true and correct corrections of the March 16, 1994 meeting as reflected by the official record tape recording administered by your office.

Forward these corrections to myself and all parties concerned including the mailing list in a timely manner. This list of omissions or errors is not to be considered complete, other errors or omissions may be encountered in the City Council minutes.

File

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THOMAS A. PETERSON
City Manager

RECEIVED

94 MAR 25 AM 10:26

JENNIFER M. PERRIN
CITY CLERK

JENNIFER M. PERRIN
City Clerk

NATT
City Attorney

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BOB McNATT
City Attorney

MEMORANDUM

TO: JENNIFER PERRIN, CITY CLERK
FROM: RAY DAVENPORT, COUNCILMEMBER
DATE: MARCH 18, 1994
SUBJT: CONSENT CALENDAR ITEMS 3, 4, & 8,
CITY COUNCIL MEETING MARCH 16, 1994

This memo is record notice that I object to the action taken by Mayor Sieglock and other councilmembers on March 16, 1994 concerning consent items 3, 4 and 8.

These items were properly removed from the consent calendar by myself and I was denied comment and review of these items by Mayor Jack Sieglock and other councilmembers.

Please provide me a verbatim transcription copy of the actual comments of Mayor Sieglock and the motion to approve consent items 3, 4 & 8.

Please place these items 3, 4 & 8 on the next regular agenda, April 6, 1994.

CITY COUNCIL

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M E M O R A N D U M

TO: JENNIFER PERRIN, CITY CLERK
FROM: RAY G. DAVENPORT, COUNCILMEMBER
DATE: MARCH 23, 1994
SUBJT: AGENDA, MARCH 16, 1994

I have concern about consent calendar item 9 (purchase of police vehicles) March 16, 1994, regular council meeting.

Please provide me a verbatim transcription copy of all council discussion concerning consent calendar items placed at the end of the meeting by Mayor Sieglock. This includes consent calendar items 3,4,8, and 9 moved to the end of the council meeting.

Please pick up where you left off in the transcription provided by your office on 3/21/94 entitled "Approval of Consent Calendar Items 3,4 and 8" please continue the transcription to the end of the meeting up to and include the announcement to go into executive session.

After the council executive session, as discussed with you on March 21, 1994, there was no enunciated adjournment of the council meeting by the Mayor, nor was it recorded on the electronic device. I understand from our conversation it is routine practice to not reconvene after executive session and formally conclude adjournment of the regular council meeting.

Please provide under separate confidential cover the Clerks minute notes of the executive session of March 16, 1994 and the action taken by the council.

Thank you.

CITY COUNCIL

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Thank you.

Rec - 3-24-94

TRANSCRIPTION OF
MARCH 16, 1994
CITY COUNCIL MEETING

APPROVAL OF CONSENT CALENDAR ITEMS
3, 4, 8 AND 9

Sieglock: Now, we've got to go back to the Consent Calendar, items 3, 4 and 8. I don't. . . Mr. Davenport, if you want to cover them in about one minute, that'd be great, because I'm not gonna listen to you long. I'm tired, I'm gettin' out of here.

- Violates procedure

Davenport: Hey, whatever. . . you know, whatever you wanna do. Slap (Sieglock: Okay) . . . slap the gavel. Do whatever you want to do (Sieglock: No). I can live with it. I have been harassed by a lot better.

- shuts off a councilman
- Ord. 1566
- Res 93-35

Sieglock: All right, I'll make a motion to approve items 3, 4 and 8.

Davenport: What is it? Do 3? Oh, on the. . .

Sieglock: I made a motion to approve items 3, 4 and 8 on the Consent Calendar. Is there a second?

Mann: Second.

Sieglock: It's been moved and seconded. . .

McNatt: This does not include item 9?

Sieglock: No.

McNatt: Okay. We'll need to talk about 9.

Peterson: We need to talk about 9 for just a minute. It won't take but a minute.

Sieglock: Any further discussion?

Violates 93-35

Davenport: Are we gonna go over them? - Note: NO ANSWER to the Q by the Mayor

Sieglock: All those in favor, signify by saying "Aye" (Aye). Any opposed. . .

Davenport: No.

Sieglock: Okay.

Davenport: I can't believe it.

Note: At this point consent items 3, 4 + 8 are not properly presented - 1566 43125 - 54155. 92

Sieglock: Item number 9.

Peterson: Okay. Item number 9 has to do with the purchase of the police vehicle, and Mr. Ronsko, or Mr. Callahan, or somebody. . .

Davenport: We can't go over that. That's not proper, because we said that we weren't gonna do it this meeting. What a double standard.

Peterson: No, no, no. We said we'd move this to the Regular Calendar (Sieglock: Regular Calendar). *manipulate agenda ?*

Davenport: No. You said you're takin' it off!

Peterson: Take it off the Consent Calendar.

Mann: Yeah.

Davenport: And puttin' it on what?

Peterson and: The Regular Calendar.
Sieglock
(in unison)

Peterson: . . .the end of the Regular Calendar.

Davenport: Think it's legit? . . .okay.

Sieglock: Were we okay, Mr. City Attorney?

McNatt: Yes, Mr. Mayor. We did move this off the Consent Calendar. . .

Sieglock: Mr. Davenport, I'd normally love to listen to you, but, I'm sorry, it's too late.

Davenport: I'll remember that.

Sieglock: I know you will.

Davenport: How courteous you are.

Sieglock: I'm not trying to be discourteous. . . I just. . . it's late.

Peterson: Go, Dennis.

Davenport: It's not too late for what Tom wants to talk about.

Mann: It's 5:10 in the morning, Ray!

Davenport: In Japan.

Sieglock: Go ahead. . . Mr. Cochran.

Callahan: Okay.

Peterson: It's Mr. Callahan!

(laughter)

Callahan: He left. . . he left. . . sorry, Mr. Mayor.

Snider: You've got better hair.

disobey a minor provision of the agenda

*but ok + not to
late to listen to
others.*

*shuts off in
council member*

*- ord 1566
- Riv 4.3.35
- 54774-3a*

Peterson: Adjust your. . .adjust your hair, Dennis. — *descendit & make fun of a Callahan*

Sieglock: Move on. . .move on.

Callahan: Okay. This item. . .this council communication was prepared by the Police Chief; however, I'll give basically the report. If you have any questions of him, he's stayed as well to address those questions, if you have them. But basically, what we have before you is the request to purchase one additional police patrol unit, and the reasons for that are pretty well explained and I don't need to go into those. What I need to explain to you is the reason we need to change the action that was before you. And that was, at about 1:00 today I was trying to get an additional confirmation from the firm that we were suggesting we buy this police vehicle from, which was Melrose Ford. You may remember just four short weeks ago, we were here discussing four police vehicles and that was the firm that we purchased those vehicles through. That order had already taken place; however, before you with the letterhead of Downtown Ford, and you'll see a little pink highlight in the middle of it we have given to you for your reference. We received a letter from Downtown Ford, the agency who was one of the three that bid for those vehicles that we shared with you about a few weeks ago. And in that letter, we learned that we had the ability to purchase, if we so desired, additional police vehicles. You'll see that highlighted there is that we had to give them a letter of intent to do so by March 16. When I received this letter, I thought perhaps we should go and see if there is a possibility of buying a police vehicle from Melrose Ford also, because if you recall the purchase price for the Ford Crown Victoria from Melrose Ford was about \$768 less than what we were going to pay if we had purchased it from Downtown Ford. And Melrose Ford believed they had a vehicle they'd give to us, but unfortunately it was contingency on action that was going to be taken by the City of Woodland Council which met last night. That Council decided to buy their full complement of vehicles which honestly, I guess, the police chief or the equipment manager did not expect. Because they took that action, we no longer had a vehicle available to us, as of 1:00 today. So then what I needed to do was quickly confirm from Downtown Ford that a vehicle was available if you're action was to grant that we purchase that and was able to secure that reassurance this afternoon. So, what we're asking you to do basically would be to adjust the item before you to recommend that the Police Department be allowed to purchase a 1994 Crown Victoria from Downtown Ford for the purchase price of \$16,788.53, additionally have you approve the emergency equipment in the same amount, \$4,170, and the Motorola radio required for that vehicle of \$4,000 for a new total of \$24, 958.53.

Peterson: What's the new total, Dennis?

Callahan: \$24,958.53 and basically what we are saying to you is we lost the savings of \$768.26 that we had hoped to get by purchasing through Melrose Ford.

McNatt: If I might jump in here, Mr. Mayor. Obviously what's on the agenda tonight doesn't have anything to do with what the proposed action is. . .the agenda item talked about purchasing a car from Melrose Ford and didn't make any mention of anyone else. So, if you want to act on this tonight. . .if the Council determines that we need this car as soon as we can get it, it's gonna have to make the two findings. Again, first that the need arose after the agenda was printed. . .

Peterson: The agenda just says one police vehicle.

McNatt: Yeah, right, but when you look at the staff report that went with it, it says Melrose. The agenda is the entire packet.

Sieglock: Right.

McNatt: You can still do it if you wish. You can make the findings: need to take action arose after the agenda was printed, that is now you're going to substitute in Downtown Ford, instead of Melrose, and then vote on it if you wish.

Sieglock: Okay. It's been moved by Mr. Mann *NOT TRUE LOOK AT LAST TIME MANN SPEKE (see p. 2) - Rpt. 93-35*

Davenport: See you Mr. Mayor. You guys don't need me. . . (undetectable). . . Enjoy.

Sieglock: Goodnight. It's been seconded by Mr. Snider. *NOT TRUE - SEE LAST TIME SAIDER SAID (Page 2)* All those in favor, signify by saying "Aye" (Aye). Mr. Pennino said he'd like the car and I seconded it. All those in favor, signify by saying "Aye". . . *NOT TRUE - Rpt. 93-35*

Pennino: What are we voting on? Excuse me, I'm sorry.

McNatt: That the need. . .

Pennino: The need.

Sieglock: The first action. . .

McNatt: . . . to take action arose.

Pennino: Okay. . . well, now. . .

Sieglock: *NOT TRUE* Mr. Mann made that motion, *NOT TRUE* (Pennino: Okay. And we voted on that) Mr. Snider seconded. Now we're finding that we're going to purchase the car. You made the motion and I seconded it. . . *NOT TRUE*

Pennino: Just change out the wording that will not be a back up. We'll actually put it. . . the documentation says a backup and I'd hate to see it out there not being used for two bicycle cops. *Improper opinion is not allowed. Violates Brown Act.*

Sieglock: All those in favor, signify by saying "Aye" (Aye). We will now go to closed door session.

Peterson: I want to point out, I put in front of you at each Council Member's seat. A couple of weeks ago, the Council requested a map of all vacant industrial parcels (Mann: Ah, okay). Here they are and they're by parcel. . . (Pennino: good. . . good job) here's the City map, here's the. . . (undetectable). . . parcel map in the amount of the acreage, etc.

NOT ON AGENDA Violates Brown Act.

Mann: What address?

Peterson: We don't have addresses.

Pennino: Do we have a closed door session?

Sieglock: Yeah, IBEW, LPOA.

Mann:

Yeah, I've heard that before.

*proper adjournment would & should be here as per Leck's transcript.
Sep 15 66*

NOTE:

In regards to the announcement of the adjournment following Closed Session, I believe you misunderstood what I was saying to you on March 21, 1994. The Mayor did bang the gavel and announce that the meeting was adjourned following the Closed Session (as he does most of the time); however, what I was explaining to you is that normally I do not record the announcement of the adjournment on the recording system.

No adjournment of the meeting first, the city clerk wrote this note after she admitted to me the council meeting was not properly adjourned. I did not record this.

Resolution 93-35(G) - The chair (mayor) is the chief parliamentarian, unless on points of order, and has duty to preserve business of procedure. Chair is to be courteous & fair.

MEMORANDUM

TO: Council Member Davenport

FROM: Jennifer M. Perrin
City Clerk

DATE: March 30, 1994

SUBJECT: Your Questions Regarding the City Council Minutes of March 16, 1994

This is in response to your memo dated March 24, 1994 (please see attached).

1. **The minutes do not reflect that the cable company discontinued live T.V. coverage after the 1:20 a.m. break**

The minutes usually do not mention King Videocable and whether it was there or not to record the meeting. If the City Council directs that it be mentioned in the minutes, I shall do so.

2. **The minutes do not reflect the Council Members' dialogue in regard to Mr. Dennis Cochran's request to continue his agenda item regarding Graffiti Abatement Services**

You will recall that during budget discussion last year, the City Council voted to discontinue the preparation of both "long" and "short" minutes and instead prepare one set of "action minutes"; therefore, the minutes will not include this type of dialogue unless I am directed otherwise by the City Council. Further at your request, this matter will be placed on the next agenda; however, because the City Council took action to lay this matter on the table, it is my understanding that the item will require a vote to reconsider.

3. **Number the minutes to correspond to the City Council agenda**

Typically, the minutes are prepared to follow the meeting and the order in which the items were discussed and not the agenda; however, if Council would like to change that and number everything according to the agenda, I will accommodate that.

4. **The minutes do not identify the consent items removed by Council Member Davenport numbers 3, 4 & 8 and Mayor's comments and "inappropriate" laughter**

Please see page two of the minutes which identify Consent Calendar items # 3, 4 and 8 as being removed by Council Member Davenport. Further, as it was stated before, these minutes are "action minutes" and, therefore, do not reflect each comment or laughter made by City Council Members. If the Council directs that it be added, I will do so. At your request, these items will be placed on the next agenda, and a vote to reconsider the matter will be required.

5. **The minutes do not accurately reflect the time Council Member Davenport left the meeting**

The minutes do accurately indicate the time you left the meeting and that you left prior to Council discussion on the matter (which followed introduction of the matter by Mr. Callahan). However, I can see that this wording may not be as clear as I intended; therefore, the item will be changed to read as follows:

"Following introduction of this matter, Council Member Davenport left the meeting (approximately 2:14 a.m.)."

6. **Demand that agenda item #E-9 regarding the purchase of a police vehicle be placed on the next agenda**

At your request, this matter will be placed on the next agenda; however, as stated before, the City Council took action on this matter, and, therefore, the item will require a vote to reconsider.

7. **Minutes state improperly "the City Council meeting reconvened at approximately 2:30 a.m." and no proper adjournment of the meeting or time is reflected or documented on the tape recording**

Again, Mr. Davenport, you misunderstood (as I explained to you a second time on March 23, 1994). The meeting did reconvene and was adjourned by Mayor Sieglock at 2:30 a.m. as the minutes stated. What was explained to you was that the announcement of the adjournment was not recorded on the **tape recording system**, as is usually the case, and the adjournment time is, and always has been, recorded by the City Clerk in the official records; therefore, your assumption that the meeting is still "on going" is incorrect.

In summary, the only change on the minutes will be on page 10 in regards to when you left the meeting. If the City Council directs that there be other changes, I will do those immediately and send copies of the corrected minutes to our regular mailing list as you requested in your memo.

JMP

cc: Honorable Mayor
and Members of the Lodi City Council

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
RAY C. DAVENPORT
PHILLIP A. PENNINO
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager

RECEIVED

94 MAR 25 AM 10:21

JENNIFER M. PERRIN
CITY CLERK

JENNIFER M. PERRIN
City Clerk

NATT
City Attorney

MEMORANDUM

TO: JENNIFER PERRIN, CITY CLERK
FROM: RAY DAVENPORT, COUNCILMEMBER
DATE: MARCH 24, 1994
SUBJT: OMISSIONS AND ERRORS OF THE CITY COUNCIL
MINUTES MEETING OF MARCH 16, 1994

A review of the minutes of the regular meeting of March 16, 1994, reflect the following omissions or errors:

- 1.) The minutes do not reflect that the cable company discontinued live T.V. coverage after the 1:20 a.m. break called by Mayor Sieglock.
- 2.) The minutes do not reflect the councilmembers dialogue in regard to Mr. Dennis Cockran's request to continue his agenda item regarding Graffiti Abatement Services be postponed until the next council meeting due to the late hour. It should be noted Councilmember Snider and City Manager Tom Peterson stated "they do not want to listen to anything Mr. Cockran has to say"; "not wanting to listen" is not in the procedures to justify denial of a proper agenda item and suggest discrimination and bias against citizens protected by the first and fourteenth amendments. Please reschedule this item for the next regular meeting.
- 3.) Please number the minutes to correspond to the City Council Agenda ie.: J. 1. ect.
- 4.) The minutes do not identify the consent items removed by myself numbers 3, 4, and 8. The minutes do not reflect Mayor Sieglock's twice comments that he is not going to listen to me nor his inappropriate laughter concerning serious City business and expenditures of taxpayers' monies. The fact is items 3, 4, and 8 were improperly approved because a councilmember was denied discussion on the consent calendar items as evidenced in the

transcription of the meeting prepared by your office.

Please place the items back on the agenda for discussion and proper action under regular calendar.

5.) The minutes do not accurately reflect the time I left the meeting, in fact I left the meeting after the introduction of item 9 not before. It was during Mr. Calahan's presentation on consent calendar item 9 that I left the meeting as reflected by Mayor Sieglock's acknowledgement of "good night" evidenced by the tape recording of the meeting.

6.) I have read the minutes and reviewed the tape of the council meeting on 3/21 and 3/23 and object to the procedure of consent item 9; purchase of a police car. Resolution 94-27.

I believe, the council action to be improper, not rising to an emergency as required by law, a violation of the Brown Act and improper council "action" of manipulating consent agenda items to the regular calendar, acting out of order, modifying the council communication and agenda item and railroading through the purchase of a police vehicle notwithstanding the law, policy and procedure.

I demand this item be placed on the agenda at the next meeting for discussion and proper action.

7.) The minutes state improperly "The City council meeting reconvened at approximately 2:30 a.m." This is not a true statement as admitted by you, the City Clerk; the council did not reconvene after the executive session and no proper adjournment of the meeting or time is reflected or documented on the tape recording of the March 16, 1994 council meeting.

Since the meeting was not properly adjourned, because no such motion to adjourn exists. I assume it is still on going.

Please make the true and correct corrections of the March 16, 1994 meeting as reflected by the official record tape recording administered by your office.

Forward these corrections to myself and all parties concerned including the mailing list in a timely manner. This list of omissions or errors is not to be considered complete, other errors or omissions may be encountered in the City Council minutes.

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
RAY G. DAVENPORT
PHILLIP A. PENNINO
JOHN R. (Randy) SNIDER

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THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

MEMORANDUM

TO: Jennifer Perrin, City Clerk
FROM: Ray Davenport, Councilmember
DATE: April 6, 1994
SUBJT: Protest of Council Action March 16, 1994 and failure too follow proper procedure under Govt. Code, Lodi Municipal Code Section 2.04, Ordinance 1566 and Resolution 93-35.

Herein is my formal protest under California Government Code, Lodi Municipal Code Section 2.04.170 and aforementioned law of improper council action and conduct by the Mayor, Chief Parliamentarian on March 16, 1994 and protest of Official minutes of said meeting March 16, 1994, prepared by the office of the City Clerk.

Included and part and parcel of this protest are:

1. Letter to Mayor Sieglock, 3/18/94 re: Consent Calendar under items 3,4, and 8.
2. Letter to City Clerk, 3/18/94 re: Consent Calendar items 3,4, and 8.
3. Letter to City Clerk, 3/24/94 re: omissions and errors of Minutes and other mistakes omissions or errors including Consent Calendar item number nine and Regular Calendar item J3. Request from Graffiti Abatement Service.
4. Transcriptions of March 16, 1994 city Council meeting, Consent Calendar items 3, 4, 8 and 9.

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
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THOMAS A. PETERSON
City Manager

JENNIFER M. PERRIN
City Clerk

BOB McNATT
City Attorney

TO: MAYOR JACK SIEGLOCK
FROM: RAY DAVENPORT, COUNCILMEMBER
DATE: MARCH 18, 1994
SUBJT: CONSENT CALENDAR ITEMS, MARCH 16, 1994

At the regular council meeting of March 16, 1994, I properly removed items 3,4, & 8 from the consent calendar and requested discussion of the same.

You allowed the City Manager to remove item 9. You denied me my right as a councilmember to address the items 3,4, & 8, without any discussion of the items whatsoever. Your action also denied citizens input. Your reason was that you were tired and did not want to listen to me. You subsequently allowed the City Manager and other staff members to proceed with consent item 9. I believe such tyrannical conduct by the Mayor of our City is reflective of your leadership.

Mayoral duties, Brown Act provisions and procedural rules of conducting a meeting are not subject to your whim or physical condition of being too tired to listen to councilmembers but not too tired to listen to the City Manager or other select councilmembers of your personal discretion. Since items 3,4, & 8 of the consent calendar were illegally approved I demand that they be placed on the agenda at the next regular council meeting.

I have been subjected to your improper remarks and conduct in the past which is a matter of public record, my response has been tolerant and passive to date. However your flagrant misuse of Mayoral power to attempt to nullify a duly elected representative cannot go unnoticed.

Councilmembers in fact have a right to remove items from the agenda they also have a right to make comment on the items they removed, this is an elementary principle which you and other councilmembers cannot blatantly ignore.

I trust your mayoral duties will conform to rules of procedure and the Brown Act in the future.

Also, it is my opinion that it is inexcusable to have such a long meeting and manipulate the agenda items to keep people waiting almost four hours to discuss the garbage issue of proposed increases.

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
RAY C. DAVENPORT
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THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

MEMORANDUM

TO: JENNIFER PERRIN, CITY CLERK
FROM: RAY DAVENPORT, COUNCILMEMBER
DATE: MARCH 18, 1994
SUBJT: CONSENT CALENDAR ITEMS 3, 4, & 8,
CITY COUNCIL MEETING MARCH 16, 1994

This memo is record notice that I object to the action taken by Mayor Sieglock and other councilmembers on March 16, 1994 concerning consent items 3, 4 and 8.

These items were properly removed from the consent calendar by myself and I was denied comment and review of these items by Mayor Jack Sieglock and other councilmembers.

Please provide me a verbatim transcription copy of the actual comments of Mayor Sieglock and the motion to approve consent items 3, 4 & 8.

Please place these items 3, 4 & 8 on the next regular agenda, April 6, 1994.

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
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City Manager

JENNIFER M. PERRIN
City Clerk

BOB McNATT
City Attorney

RECEIVED

94 MAR 25 AM 10:26

JENNIFER M. PERRIN
CITY CLERK

MEMORANDUM

TO: JENNIFER PERRIN, CITY CLERK
FROM: RAY DAVENPORT, COUNCILMEMBER
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SUBJT: OMISSIONS AND ERRORS OF THE CITY COUNCIL
MINUTES MEETING OF MARCH 16, 1994

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- 3.) Please number the minutes to correspond to the City Council Agenda ie.: J. 1. ect.
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6.) I have read the minutes and reviewed the tape of the council meeting on 3/21 and 3/23 and object to the procedure of consent item 9; purchase of a police car. Resolution 94-27.

I believe, the council action to be improper, not rising to an emergency as required by law, a violation of the Brown Act and improper council "action" of manipulating consent agenda items to the regular calendar, acting out of order, modifying the council communication and agenda item and railroading through the purchase of a police vehicle notwithstanding the law, policy and procedure.

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Forward these corrections to myself and all parties concerned including the mailing list in a timely manner. This list of omissions or errors is not to be considered complete, other errors or omissions may be encountered in the City Council minutes.

REC - 3-24-94

TRANSCRIPTION OF
MARCH 16, 1994
CITY COUNCIL MEETING

APPROVAL OF CONSENT CALENDAR ITEMS
3, 4, 8 AND 9

Sieglock: Now, we've got to go back to the Consent Calendar, items 3, 4 and 8. I don't. . . Mr. Davenport, if you want to cover them in about one minute, that'd be great, because I'm not gonna listen to you long. I'm tired, I'm gettin' out of here.

*Violates
par. 100.0
- shuts off
- 521 1500
- 13-35*

Davenport: Hey, whatever. . . you know, whatever you wanna do. Slap (Sieglock: Okay) . . . slap the gavel. Do whatever you want to do (Sieglock: No). I can live with it. I have been harassed by a lot better.

Sieglock: All right, I'll make a motion to approve items 3, 4 and 8.

Davenport: What is it? Do 3? Oh, on the. . .

Sieglock: I made a motion to approve items 3, 4 and 8 on the Consent Calendar. Is there a second?

Mann: Second.

Sieglock: It's been moved and seconded. . .

McNatt: This does not include item 9?

Sieglock: No.

McNatt: Okay. We'll need to talk about 9.

Peterson: We need to talk about 9 for just a minute. It won't take but a minute.

Sieglock: Any further discussion?

Davenport: Are we gonna go over them? — *Notes: NO ANSWER to the 6 by the Mayor?*

*Violates
13-35*

Sieglock: All those in favor, signify by saying "Aye" (Aye). Any opposed. . .

Davenport: No.

Sieglock: Okay.

Davenport: I can't believe it.

*note
At this point consent items 3, 4, 8, 9
not prepared. 1500
43105
Council - 3-24-94*

Sieglock: Item number 9.

Peterson: Okay. Item number 9 has to do with the purchase of the police vehicle, and Mr. Ronsko, or Mr. Callahan, or somebody. . .

Davenport: We can't go over that. That's not proper, because we said that we weren't gonna do it this meeting. What a double standard.

Peterson: No, no, no. We said we'd move this to the Regular Calendar (Sieglock: Regular Calendar). *manipulate agenda?*

Davenport: No. You said you're takin' it off!

Peterson: Take it off the Consent Calendar.

Mann: Yeah.

Davenport: And puttin' it on what?

Peterson and: The Regular Calendar.
Sieglock
(in unison)

Peterson: . . .the end of the Regular Calendar.

Davenport: Think it's legit? . . .okay.

Sieglock: Were we okay, Mr. City Attorney?

McNatt: Yes, Mr. Mayor. We did move this off the Consent Calendar. . .

Sieglock: Mr. Davenport, I'd normally love to listen to you, but, I'm sorry, it's too late.

violates procedure

*but ok + not too
late to update
others.*

Davenport: I'll remember that.

*shuts off a
council member*

Sieglock: I know you will.

- call 1566

Davenport: How courteous you are.

- fax 93-35

Sieglock: I'm not trying to be discourteous. . . I just. . . it's late.

update 54778.30

Peterson: Go, Dennis.

Davenport: It's not too late for what Tom wants to talk about.

Mann: It's 5:10 in the morning, Ray!

Davenport: In Japan.

Sieglock: Go ahead. . . Mr. Cochran.

Callahan: Okay.

Peterson: It's Mr. Callahan!

(laughter)

Callahan: He left. . . he left. . . sorry, Mr. Mayor.

Snider: You've got better hair.

disrespect + minor (minor) categories

Peterson: Adjust your. . .adjust your hair, Dennis. *- Describe & make fun of a Callahan*

Sieglock: Move on. . .move on.

Callahan: Okay. This item. . .this council communication was prepared by the Police Chief; however, I'll give basically the report. If you have any questions of him, he's stayed as well to address those questions, if you have them. But basically, what we have before you is the request to purchase one additional police patrol unit, and the reasons for that are pretty well explained and I don't need to go into those. What I need to explain to you is the reason we need to change the action that was before you. And that was, at about 1:00 today I was trying to get an additional confirmation from the firm that we were suggesting we buy this police vehicle from, which was Melrose Ford. You may remember just four short weeks ago, we were here discussing four police vehicles and that was the firm that we purchased those vehicles through. That order had already taken place; however, before you with the letterhead of Downtown Ford, and you'll see a little pink highlight in the middle of it we have given to you for your reference. We received a letter from Downtown Ford, the agency who was one of the three that bid for those vehicles that we shared with you about a few weeks ago. And in that letter, we learned that we had the ability to purchase, if we so desired, additional police vehicles. You'll see that highlighted there is that we had to give them a letter of intent to do so by March 16. When I received this letter, I thought perhaps we should go and see if there is a possibility of buying a police vehicle from Melrose Ford also, because if you recall the purchase price for the Ford Crown Victoria from Melrose Ford was about \$768 less than what we were going to pay if we had purchased it from Downtown Ford. And Melrose Ford believed they had a vehicle they'd give to us, but unfortunately it was contingency on action that was going to be taken by the City of Woodland Council which met last night. That Council decided to buy their full complement of vehicles which honestly, I guess, the police chief or the equipment manager did not expect. Because they took that action, we no longer had a vehicle available to us, as of 1:00 today. So then what I needed to do was quickly confirm from Downtown Ford that a vehicle was available if your action was to grant that we purchase that and was able to secure that reassurance this afternoon. So, what we're asking you to do basically would be to adjust the item before you to recommend that the Police Department be allowed to purchase a 1994 Crown Victoria from Downtown Ford for the purchase price of \$16,788.53, additionally have you approve the emergency equipment in the same amount, \$4,170, and the Motorola radio required for that vehicle of \$4,000 for a new total of \$24, 958.53.

Peterson: What's the new total, Dennis?

Callahan: \$24,958.53 and basically what we are saying to you is we lost the savings of \$768.26 that we had hoped to get by purchasing through Melrose Ford.

McNatt: If I might jump in here, Mr. Mayor. Obviously what's on the agenda tonight doesn't have anything to do with what the proposed action is. . .the agenda item talked about purchasing a car from Melrose Ford and didn't make any mention of anyone else. So, if you want to act on this tonight. . .if the Council determines that we need this car as soon as we can get it, it's gonna have to make the two findings. Again, first that the need arose after the agenda was printed. . .

Peterson: The agenda just says one police vehicle.

McNatt: Yeah, right, but when you look at the staff report that went with it, it says Melrose. The agenda is the entire packet.

Sieglock: Right.

McNatt: You can still do it if you wish. You can make the findings: need to take action arose after the agenda was printed, that is now you're going to substitute in Downtown Ford, instead of Melrose, and then vote on it if you wish.

Sieglock: Okay. It's been moved by Mr. Mann *NOT TRUE LOOK AT LAST TIME MANN SPEKE (see p. 2) - 93-35*

Davenport: See you Mr. Mayor. You guys don't need me. . .(undetectable). . .Enjoy.

Sieglock: Goodnight. It's been seconded by Mr. Snider. All those in favor, signify by saying "Aye" (Aye). Mr. Pennino said he'd like the car and I seconded it. All those in favor, signify by saying "Aye". . . *NOT TRUE - SEE LAST TIME SAIDER SAID (page 2) for 93-3*

Pennino: What are we voting on? Excuse me, I'm sorry.

McNatt: That the need. . .

Pennino: The need.

Sieglock: The first action. . .

McNatt: . . .to take action arose.

Pennino: Okay. . .well, now. . .

Sieglock: *NOT TRUE* Mr. Mann made that motion, *NOT TRUE* (Pennino: Okay. And we voted on that) Mr. Snider seconded. Now we're finding that we're going to purchase the car. You made the motion and I seconded it. . . *NOT TRUE*

Pennino: Just change out the wording that will not be a back up. We'll actually put it. . .the documentation says a backup and I'd hate to see it out there not being used for two bicycle cops. *Improper approval of an agenda item that was modified violates Brown Act.*

Sieglock: All those in favor, signify by saying "Aye" (Aye). We will now go to closed door session.

Peterson: I want to point out, I put in front of you at each Council Member's seat. A couple of weeks ago, the Council requested a map of all vacant industrial parcels (Mann: Ah, okay). Here they are and they're by parcel. . .(Pennino: good, . . . good job) here's the City map, here's the. . .(undetectable). . .parcel map in the amount of the acreage, etc. *NOT ON AGENDA VILLES, Brown Act.*

Mann: What address?

Peterson: We don't have addresses.

Pennino: Do we have a closed door session?

Sieglock: Yeah, IBEW, LPOA.

Mann: Yeah, I've heard that before.

*proper adjournment would & should be here as per Led's Blackboard
5/21/15/66*

NOTE:

In regards to the announcement of the adjournment following Closed Session, I believe you misunderstood what I was saying to you on March 21, 1994. The Mayor did bang the gavel and announce that the meeting was adjourned following the Closed Session (as he does most of the time); however, what I was explaining to you is that normally I do not record the announcement of the adjournment on the recording system.

No adjournment of the meeting exist, The City Clerk wrote this note after she admitted to me the council meeting was not properly adjourned. I did not Maxcodistia.

Resolution 93-35(G) - the chair (mayor) is the chief parliamentarian, rules on points of order and has duty to prevent misuses of procedure. Chair is the court of last resort.