

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JANUARY 15, 1997  
7:00 P.M.**

1. ROLL CALL

Present: Council Members - Land, Mann, Sieglock, Warner and Pennino (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Ronsko, City Engineer Prima, Community Development Director Bartlam, Electric Utility Director Vallow, Finance Director McAthie, Deputy City Attorney Luebberke and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Norm Mowery, First United Methodist Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pennino.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Pennino presented a Resolution of Appreciation to retiring Parks and Recreation Commissioner, Elvera Melby. Ms. Melby was appointed to the Parks and Recreation Commission in 1977 and has served for 20 years. Mayor Pennino reminded that serving on a board or commission takes a lot of work and dedication. None of the individuals get paid, but they do it for their love of the community, and Ms. Melby has certainly given generously to this City. Ms. Melby stated it was with pleasure and pride that she accepted the recognition for her service on the Commission. It has been a worthwhile and rewarding experience, and she thanked both the current and past City officials for giving her the opportunity to serve. It has been a pleasure to work with former Parks and Recreation Director DeBenedetti and the current director Williamson, the staff, and with her fellow commissioners who are so dedicated to bettering the programs and parks for the enjoyment of Lodi's citizens. Ms. Melby gave a special thank you to the thousands of volunteers and service clubs who have done so much for the City, especially in the area of recreation and the developing and beautifying of Lodi's parks. Further, Arwen Chenery with Senator Patrick Johnston's office presented Ms. Melby with a Resolution for her dedicated service to this community.  
FILE NO. CC-2(h) AND CC-37
- b) Thomas Goad, President of the Kiwanis Club of Greater Lodi, presented Mayor Pennino with a check in the amount of \$1,500 toward payment of the playground equipment at Lodi Lake Park.  
FILE NO. CC-27(c)
- c) Jack Fiori with California Waste presented an update to the City Council regarding their recent Coats and Cans Collection Program. California Waste collected approximately 1,230 coats, 99 blankets and 31 tubs of food, which is more than last year's program. The goods were delivered to local charitable organizations and were then distributed to those in need. Special thanks goes to Jack Alquist of Guild Cleaners for cleaning the coats and blankets for the third consecutive year.  
FILE NO. CC-6

- d) Public Works Director Ronsko presented the City Council with a summary of the City's flood operations. The City activated an Emergency Operations Center (EOC) which took in approximately 900 - 1,000 calls from people in Rivergate, the areas around Mokelumne River Drive, and the Lodi Lake area; however, most calls came from people in the heart of the City concerned about the flooding of their property. It became clear that people did not understand our storm drain system. There are three major ways the City of Lodi could experience major flooding: 1) If Camanche Dam broke; 2) The storm drainage south of Lockeford Street is pumped into the Woodbridge Irrigation District (WID) canal. There is a limitation of how much water it can hold. If we have more than we can pump, it would back up into the retention basins throughout town, and if we had a series of storms, there could be flooding; and 3) If the elevation of the river rises above flood level, which is what we were faced with recently. The river would have to rise quite a bit, and if we had had water in the streets in Rivergate, those residents would have been evacuated. The reason the Rivergate area was given more attention than the rest of Lodi, is the streets in Rivergate are below the 100 year flood plain. Lodi was very fortunate this time in that a number of storms were coming at us; however, they split around Lodi. In summary, after the release of 4,000, and then 5,000, cubic feet per second (cfs), the City declared an emergency, the EOC was activated and the City Council had an emergency meeting on January 2, 1997. Pardee filled on that day and started going down on Sunday. Then Camanche filled, but they held it at a controlled spill at 5,000 cfs for four days. Currently there is 2,000 cfs going into Pardee and 3,800 cfs going into Camanche, so they are releasing more from Pardee than is coming in and they are gaining storage. We are looking at another four weeks at 5,000 cfs. Public Works Director Ronsko recognized the Police Partners who did a super job in operating the EOC. In regards to the condition of the Mokelumne River, many trees have fallen into the river. The Department of Fish and Game says those trees become fish habitat and cannot be removed. Mr. Ronsko would like to work with Fish and Game to get those trees pulled out of the river with the help of the California Conservation Corp (CCC) crews, because it causes an eddy that is not normal and eats at the embankment.

Further, City Manager Flynn recognized the following people and agencies for their assistance in making the EOC a success: 1) the Police Partners who were there 24 hours a day; 2) Information Systems Coordinator Mark White and Building Maintenance Worker Cal Wadlow, who got the EOC up and running; 3) Deputy City Manager Janet Keeter who came in on a volunteer basis; 4) Public Works Department Street Division, who also sent three crews to the City of Manteca to help with their levees; 5) Tom Evans, Acting Street Superintendent, and George Bradley, Street Superintendent; 6) City Engineer Richard Prima, who was called in from vacation and did technical work on graphs, figures and calculations; 7) the East Bay Municipal Utility District (EBMUD) staff, especially Jim Burgess with the local office, who kept in constant communication with the City of Lodi and let us know what was going on at Camanche and Pardee; 8) Captain Jerry Adams and Lieutenant Bruce McDaniel, who were at the EOC continuously; 9) Fire Marshal Steve Raddigan, Battalion Chief Verne Person and Fire Division Chief Frank Ortiz, who assisted at the City's and the County's EOC; 10) Continental Cablevision in assisting us with messages on current information for the public; 11) Keith Colgan and Ron Howarth with Lodi-Biz for their assistance in putting flood information on the City's Homepage; 12) the Lodi News Sentinel, especially Marty Weybret, who **was in challenging our information** and who did a real service to the people of this community with his articles, and also Richard Hanner with The Record; 13) the School District, who was there ready to provide us with buses; and 14) the homeowners associations along the River for assisting us and for giving out correct information to their residents. Council Member Warner concurred that the City should move as quickly as possible to get the trees out of the river. If the State objects, make them do it on the record. Council Member Sieglock suggested that the City contact the Corp. of Engineers to see if there are funding sources available.

FILE NO. CC-6 AND CC-184

- e) Heidi Ensminger, Chairperson with the Greater Lodi Area Youth Commission, made a presentation regarding the upcoming Lodi Youth Conference which will be held at the Lodi Academy, January 29, 1997 from 8:00 a.m. - 1:30 p.m. The theme of the conference is "The Road to Success". They are expecting approximately 570 students from Lodi and the surrounding area. The City will be providing transportation with GrapeLine buses, in addition to buses from different districts. There will be 14 workshops throughout the day. Lunch will be provided by Porfi's Mexican Restaurant.  
FILE NO. CC-2(t)
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5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$3,232,228.34 (dated January 14, 1997) and \$514,892.77 (dated January 15, 1997).  
FILE NO. CC-21(a)
- b) The minutes of December 17, 1996 (Special Meeting), December 18, 1996 (Regular Meeting) and January 2, 1997 (Emergency Meeting) were approved as written.
- c) Authorized sale of scrap wire and metal at periodic intervals during calendar year 1997.  
FILE NO. CC-20 AND CC-47
- d) Agenda item #E-4 entitled, "Specifications and advertisement for bids for printed envelopes, 1997 requirements" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Mayor Pennino.)
- e) Approved the specifications for bids for the following types of transformers: 16 single-phase conventional polemount; 15 single-phase circuit-protected polemount; 47 single-phase padmount; and 5 three-phase padmount, and authorized advertising for bids.  
FILE NO. CC-12.1(b)
- f) Agenda item #E-6 entitled, "Specifications and advertisement for bids for Lodi Lake Park tree removal and tree trimming 1997" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Warner.)
- g) Adopted Resolution No. 97-01 awarding the bid for the purchase of irrigation materials for Lodi Lake Park to the low bidder, Normac, Inc. of Stockton, in the amount of \$18,617.84.  
FILE NO. CC-12(d) AND CC-300
- h) Agenda item #E-8 entitled, "Purchase of counters for the Police Communications Center" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Warner.)
- i) Adopted Resolution No. 97-03 authorizing the purchase of five police patrol sedans and service manuals under the State of California Office of Procurement Contract for 1997 Model CHP Class E Special Service Vehicles from Downtown Ford of Sacramento, for a total of \$120,313.92; authorized \$7,500 to equip the five vehicles for service; and appropriated funds in accordance with staff recommendation.  
FILE NO. CC-12(d) AND CC-300

*Continued January 15, 1997*

- j) Adopted Resolution No. 97-04 awarding the contract for Peterson Park Improvements, 199 Evergreen Drive to A.M. Stephens Construction Company, Inc. of Lodi, in the amount of \$653,036.93 (base bid plus optional bid items A, B and C) and appropriated funds in accordance with staff recommendation.  
FILE NO. CC-12(a) AND CC-300
- k) Accepted the improvements under the Henning Substation Control Building contract and directed the Electric Utility Director to file a Notice of Completion with the County Recorder's office.  
FILE NO. CC-90
- l) Received Contract Change Orders for well 4R water storage tank and pump station project, 1215 Thurman Street.  
FILE NO. CC-90
- m) Adopted Resolution No. 97-06 approving the Improvement Agreement Addendum, directing the City Manager and City Clerk to sign the Addendum on behalf of the City, and accepting the development improvements for Lodi West, Unit No. 2, Tract No. 2658.  
FILE NO. CC-46, CC-90 AND CC-300
- n) Took the following actions regarding 960 South Guild Avenue:
  - Approved the Improvement Agreement for public improvements at 960 South Guild Avenue and directed the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City;
  - Appropriated \$25,918.88 from Development Impact Mitigation Fee funds for reimbursement for acquisition of excess right-of-way and installation of street improvements and oversize water mains;
  - Approved the proposed terms of fee payment agreements for payment of the sewer capacity fee and Development Impact Mitigation Fees and authorized the City Manager to sign the fee payment agreements without further Council action.  
FILE NO. CC-46 AND CC-90
- o) Adopted Resolution No. 97-07 approving the location of a 25-foot driveway whose centerline will be located 188 feet south of the north property line of 2220 West Kettleman Lane in the restricted access area on Sylvan Way to serve the proposed Oakmont Retirement facility.  
FILE NO. CC-45(b) AND CC-300
- p) Adopted Resolution No. 97-08 in support for the multimodal transit station.  
FILE NO. CC-6, CC-50(a) AND CC-300
- q) Set Public Hearing for February 19, 1997 to hear the appeal from Richard Galantine regarding the Notice and Order to Repair dated October 16, 1996, for his property located at 311 Cherry Street, Lodi.  
FILE NO. CC-6 AND CC-24(b)
- r) Approved the renaming of the Information Superhighway Task Force to Information Technology Committee.  
FILE NO. CC-2(a) AND CC-6
- s) Adopted Resolution No. 97-09 initiating the investigation of the nature and extent of the environmental contamination of property within the City of Lodi.  
FILE NO. CC-6, CC-110 AND CC-300

- t) Agenda item #E-20 entitled, "Reorganization of the Electric Utility Department" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Mann.)

6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) In regards to the specifications for bids for the City's 1997 requirements for printed envelopes, the City Council, on motion of Mayor Pennino, Land second, unanimously tabled the matter until the next meeting.  
FILE NO. CC-12.1(b)
- b) The City Council, on motion of Council Member Warner, Pennino second, unanimously approved the specifications for bids for Lodi Lake Park tree removal and tree trimming 1997 and authorized advertising for bids.  
FILE NO. CC-12.1(c)
- c) The City Council, on motion of Council Member Mann, Warner second, unanimously adopted Resolution No. 97-02 authorizing the purchase of three counters with adjustable keyboard platforms for the Police Communications Center.  
FILE NO. CC-12(a) AND CC-300
- d) (Due to a conflict of interest, Mayor Pennino abstained from discussion and voting on the following matter.)

The City Council, on motion of Council Member Sieglock, Land second, adopted Resolution No. 97-10 approving the following reorganization of the Electric Utility Department by the vote shown below:

Ayes: Council Members - Land, Sieglock and Warner  
 Noes: Council Members - Mann  
 Absent: Council Members - None  
 Abstain: Council Members - Pennino (Mayor)

New Classifications:

- Construction/Maintenance Supervisor

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$4,254.38	\$4,467.10	\$4,690.47	\$4,924.95	\$5,171.22

This classification will be in the IBEW benefit group.

- Electric Utility Management Administrator

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$3,032.17	\$3,183.79	\$3,342.96	\$3,510.12	\$3,685.64

This classification will be in the Mid-Management benefit group.

- Manager, Business Planning and Marketing

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$5,500.17	\$5,775.19	\$6,063.92	\$6,367.13	\$6,685.48

This classification will be in the Mid-Management benefit group.

Reclassifications:

- Electrical Engineer **to** Manager, Electric Services

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$5,500.17	\$5,775.19	\$6,063.92	\$6,367.13	\$6,685.48

This position will remain in the Mid-Management benefit group.

- Assistant Electric Utility Director **to** Manager, Engineering and Operations

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$5,500.17	\$5,775.19	\$6,063.92	\$6,367.13	\$6,685.48

This position will remain in the Mid-Management benefit group.

- One Electrical Estimator **to** Senior Electrical Estimator

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$4,254.38	\$4,467.10	\$4,690.47	\$4,924.95	\$5,171.22

This position will remain in the IBEW benefit group.  
FILE NO. CC-34 AND CC-300

7. PUBLIC HEARINGS

None.

8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney, Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Mann, Sieglock second, unanimously rejected the following claims:

1. Traci Baumbach, date of loss 9/30/96
2. Sohila and Jeff Bodner, date of loss 10/7/96
3. Kyu Kim, date of loss 8/10/96
4. Morris E. Kirst, date of loss 8/10/96
5. Gus Tasiopoulos, date of loss 8/10/96  
FILE NO. CC-4(c)

- b) The following report was presented to the City Council:

1. Planning Commission report of December 23, 1996  
FILE NO. CC-35(c)

- c) The City Council, on motion of Council Member Warner, Sieglock second, unanimously made the following appointments:

**Parks and Recreation Commission**

Joe Handel	term to expire December 31, 1998
Patty Steward	term to expire December 31, 2000

**Senior Citizens Commission**

Perry Schimke                      term to expire December 31, 2000  
Robert J. Maus                      term to expire December 31, 2000

**Site Plan and Architectural Review Committee**

Don Kundert                      term to expire January 1, 2001

Mayor Pennino introduced newly-appointed Parks and Recreation Commissioner Joe Handel who was in the audience.  
FILE NO. CC-2(h), CC-2(i) AND CC-2(l)

9. **REGULAR CALENDAR**

- a) The City Council, on motion of Council Member Mann, Sieglock second, unanimously authorized the Public Works Director to modify the Street Faire Agreement with the Lodi District Chamber of Commerce to relocate the 1997 Street Faires to Church Street north of Walnut Street and portions of the side streets (Option 1) subject to approval from the Police and Fire Departments and agreement between staff and the Chamber on how far south to extend on Church Street and any other miscellaneous details.

Speaking on the matter were the following persons:

1. Dorean Rice, Street Faire organizer, stressed the urgency in getting the location decided because the vendors' applications go out on February 1, 1997. Keeping the similar set up will make things simpler; and
2. Mike Lapenta, Chairman, Lodi Downtown Business Association, 1718 Edgewood Drive, Lodi, informed the City Council that LDBA has discussed and recommends Option 1 (Church Street), or Option 4 (Sacramento Street), respectively.  
FILE NO. CC-6, CC-7(k), CC-72 AND CC-90

- b) The City Council, on motion of Council Member Warner, Sieglock second, adopted Resolution No. 97-05 awarding the contract for mistletoe removal and associated tree trimming to Grover Landscaping, Inc. of Modesto, in the amount of \$9,420 by the following vote:

Ayes: Council Members - Land, Sieglock, Warner and Pennino (Mayor)  
Noes: Council Members - Mann  
Absent: Council Members - None

Speaking on the matter were the following persons:

1. John Berndt, Berndt Tree Service, who was the low bidder, argued against being disqualified as a non-responsive bid due his submittal of submitted a personal check instead of cash or a cashier's check as required. In the past his bids were accepted with his company checks; otherwise, he would have given cash. He would like this job, because he cares about this community and would do a better job. If there is a problem with a personal check, cash it--the funds are there to cover it. Public Works Director Ronsko explained that Mr. Berndt's bid on a previous project was also rejected as a non-responsive bid due to omissions and errors in the bid. He had also submitted a personal check then; however, that was not mentioned as the reason he was disqualified at that time. Mr. Berndt confirmed that he read the specifications regarding cash or cashiers check; however, he thought his check would suffice.  
FILE NO. CC-12(a) AND CC-300

*Continued January 15, 1997*

10. ORDINANCES

None.

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

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

- a) City Manager Flynn introduced newly-appointed Fire Chief Scott Kenley and his wife Barbara and welcomed them to the City of Lodi. They have four children, and they came to Lodi from Southern California (Brisbane). Chief Kenley has been in fire service for 26 years. Further, Mr. Flynn introduced his son, Andrew Flynn, who is visiting from Kent State, Ohio. Andrew is studying international relations and will soon be going to Russia.
- b) Council Member Warner commented on a notice he received from Continental Cablevision that rates are going up next month. This is the third time in the last year or two. He has met and discussed some of the issues with them but to no avail. Mr. Warner informed the public that the City Council has no control over their rates; however, they have assured Mr. Warner that service will be better and that they are doing things in 1997 to make it worth the price.  
FILE NO. CC-16 AND CC-22(c)
- c) Council Member Land informed the public that the Friends of Lodi Lake will have a meeting on January 22, 1997 at 6:30 p.m. at the Library to discuss projects at Lodi Lake. Any citizens wanting to participate or to make donations, please attend the meeting. Council Member Land shared it was a pleasure to serve with Elvera Melby on the Parks and Recreation Commission these past two years. Further, he commented on the many service clubs in Lodi. This community is blessed with their generosity. Mr. Land wished his daughter Tammy, who turned 18 years old today, a Happy Birthday!

13. CLOSED SESSION


There was no need for a Closed Session on the following matter:

- a) Threatened Litigation: Government Code §54956.9 (b) (1) Litigation potential flows from the transfer of electric utility customers to the City of Lodi system from PG&E system

14. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 9:08 p.m.

ATTEST:

  
Jennifer M. Perrin  
City Clerk