

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, FEBRUARY 19, 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, Community Development Director Bartlam, Finance Director McAthie, Fire Chief Kenley, Parks and Recreation Director Williamson, City Attorney Hays and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Mike Miner, Grace Community Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pennino.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

a) Mayor Pennino presented a proclamation to Diane Kannenberg, Learning Link Program Director with the Lodi News Sentinel, proclaiming the week of March 2 - 8, 1997 as "Newspaper in Education Week". Ms. Kannenberg explained that the program will distribute about 8,000 newspapers to schools as a teaching tool. The curriculum units covered will be basics, such as math and reading, media literacy and helping teachers discuss controversial issues in the classroom. The program will also provide classroom demonstrations, offer parent workshops to show how to use newspapers, magazines and library books to help teach children, and provide a speakers bureau to talk to students about career choices. The newspaper will feature a kids book review with pictures of the children, reading comprehension lessons, and kids scoop with word games and puzzles. All of the services provided are free, which is made possible by donations from local citizens, businesses and service clubs. Anyone interested was urged to call Ms. Kannenberg at 369-7035.  
FILE NO. CC-37

b) Mayor Pennino presented a proclamation to Joanne Barkley, President, and Bernice Mitchell, Past Grand President, with Omega Nu celebrating the "Omega Nu 100th Anniversary". Over the years the club has raised funds in excess of \$269,000 which has been donated to various charities and organizations in this community. Mrs. Barkley indicated that Lodi is a very unique and special place in which to live, and it is a privilege to give to this community. Further, Mrs. Barkley reintroduced Mrs. Bernice Mitchell, who was the Past Grand President 70 years ago. Mrs. Mitchell shared that she is 91 years old, that Turner Road was named after her family, and that she graduated in 1923 from Lodi High School.  
FILE NO. CC-37

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5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$2,249,818.54.  
FILE NO. CC-21(a)
- b) The minutes of February 5, 1997 (Regular Meeting) were approved as written.
- c) Received report of the sale of scrap metal to the high bidder, Modesto Junk Company, in the amount of \$4,192.50.  
FILE NO. CC-20 AND CC-47
- d) Approved a loan in the amount of \$10,000 to the Lodi Rotary Cub for construction of Van Buskirk Park to be paid back over a five-year period.  
FILE NO. CC-27(c) AND CC-90
- e) Approved the plans and specifications for Van Buskirk Park improvements and authorized advertising for bids.  
FILE NO. CC-12.1(c)
- f) Adopted Resolution No. 97-18 awarding the contract for Lodi Lake tree removal and tree trimming to Town and Country Tree Service, Inc. of Stockton, in the amount of \$35,565.  
FILE NO. CC-12(a) AND CC-300
- g) Adopted Resolution No. 97-19 approving an emergency purchase of a network server from Capital Datacorp, Sacramento, and authorized transfer of funds for this purchase from the Electric Utility Department Operating Fund Reserve.  
FILE NO. CC-12(d) AND CC-300
- h) Adopted Resolution No. 97-20 authorizing participation in the State Department of General Services' CAL-Card program, and authorized staff to initiate a one-year pilot program to implement and evaluate the limited use of the CAL-Card procurement card within the Finance Department's Purchasing Division.  
FILE NO. CC-6, CC-21(a) AND CC-300
- i) Authorized the Treasurer and Deputy Treasurer to enter into agreements with the Farmers and Merchants Bank of Central California for the issuance of a City credit card for Economic Development Coordinator Tony Goehring.  
FILE NO. CC-21(a)
- j) Authorized the Utility Billing Software Team to evaluate, select and bring back a recommendation to purchase a Utility Billing Software product.  
FILE NO. CC-6 AND CC-21(a)
- k) Authorized City Manager to enter into 36 month contract with 3M Media National Advertising Company for advertising on two billboards on Highway 99 at a contract rate of \$1,085 per month for the first year and a 3% rate increase per year in years 2 and 3.  
FILE NO. CC-6 AND CC-90
- l) Authorized the City Manager to execute a professional services agreement with BASE Associates in Sacramento, for preparation of the Process Safety Management (PSM) Program and related regulatory compliance documents.  
FILE NO. CC-90

*Continued February 19, 1997*

- m) Agenda item #E-13 entitled, "Traffic resolution amendment - Cherokee Lane (west side) from Harold Street to 100 feet north of Harold Street - no parking of vehicles 6 feet or more in height" was removed from the Consent Calendar and was discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Land.)
  - n) Agenda item #E-14 entitled, "Class specification and salary range for Information Systems Manager" was removed from the Consent Calendar and was discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Warner.)
  - o) Agenda item #E-15 entitled, "1997 Fourth of July Celebration at Lodi Lake" was removed from the Consent Calendar and was discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Land.)
  - p) Set Public Hearing for March 19, 1997 to consider the refuse rate adjustment application from California Waste Removal Systems (CWRS).  
FILE NO. CC-6, CC-22(b) AND CC-54
  - q) Adopted Resolution No. 97-23 granting permission to destroy certain Lodi Police Department records listed below in excess of five years of age:
    - Background investigations and employment records of previous employees who have left employment with the City over five years ago. This does not include retirees.
    - Background investigations of previous applicants not hired, over five years old.
    - Crime reports, incident reports and traffic reports over five years old, except for those with pending court action and all homicide investigations.
    - Investigations of citizens complaints over five years old.  
FILE NO. CC-34 AND CC-300
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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Land, Sieglock second, unanimously adopted Resolution No. 97-21 amending Section 3C of Traffic Resolution No. 87-163 by approving the parking restriction of vehicles 6 feet or more in height on the west side of Cherokee Lane, from Harold Street to 100 feet north of Harold Street.  
FILE NO. CC-48(a), CC-48(k) AND CC-300
- b) The City Council, on motion of Council Member Warner, Sieglock second, unanimously continued to the Council Meeting of March 5, 1997 the matter regarding class specification and salary range for Information Systems Manager.  
FILE NO. CC-34 AND CC-300
- c) The City Council, on motion of Council Member Sieglock, Land second, unanimously approved an expenditure of \$7,000 for the 1997 Fourth of July Fireworks Exhibition from the Contingency Fund.  
FILE NO. CC-6 AND CC-21(a)

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 Pennino called for the Public Hearing to consider appeal from Richard Galantine regarding the Notice and Order to Repair dated October 16, 1996 for his property located at 311 Cherry Street, Lodi.

**ACTION:**

The City Council, on motion of Council Member Warner, Sieglock second, unanimously continued the Public Hearing to March 5, 1997 to consider 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-24(b)

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 Sieglock, Warner second, unanimously rejected the following claims:
  - 1. George P. Hodges, date of loss 12/22/96
  - 2. Ernest & Diane Meier, date of loss 12/10/96
  - 3. Gina Saccone, date of loss 12/28/96  
FILE NO. CC-4(c)
- b) The following report was presented to the City Council:
  - 1. Planning Commission report of February 10, 1997  
FILE NO. CC-35(c)
- c) Agenda item #G-3(a) entitled, "Expansion of Greater Lodi Area Youth Commission" was pulled from the agenda pursuant to Mayor Pennino's request.

9. **REGULAR CALENDAR**

- a) The City Council, on motion of Mayor Pennino, Sieglock second, unanimously adopted Resolution No. 97-22 approving the contract with the Modesto A's setting forth Zupo Field use and conditions as developed cooperatively with the Modesto A's, Booster of Boys and Girls Sports (BOBS), Lodi High School and the City of Lodi. Mayor Pennino thanked the Modesto A's, City staff, and Lodi High School for their hard work in making this happen. Mayor Pennino informed the City Council that he will be forwarding a letter to the Modesto City Council to invite them to join the City of Lodi and its families to a tailgate party during one of the games.

Speaking on the matter were the following persons:

- 1. John Johnson, representing the Lodi Sports Foundation, P.O. Box 608, Lodi, expressed that he is pleased that Zupo Field will be repaired; however, he hopes the City Council recognizes that if the field had been maintained in the past, the City would not have to do the repairs now, thereby not displacing Lodi High School. Mr. Johnson hopes the repairs will be properly funded and maintained so we will not have to do this again. Further, there are other parks and facilities in town, in addition to Zupo Field, that need to be maintained; and
- 2. Tim Marting, General Manager, and David Gottfried, representing the Modesto A's, informed the Council that this has been an easy process because of dealings with the City of Lodi staff. Further, Mr. Marting shared that the organization will be glad to make some form of a donation(s) to Lodi High School in the future. The City Council was presented with Modesto A's denim shirts, and Mayor Pennino was given a Modesto A's baseball cap.  
FILE NO. CC-6, CC-27(c), CC-40 AND CC-90

- b) The City Council, on motion of Council Member Warner, Land second, unanimously ratified Alternative 1 thereby maintaining the ban on the sale and use of fireworks within the City limits of the City of Lodi.

Speaking on the matter were the following persons:

1. Cathy Castilone, Vice President of American Promotional Events, 1449 East Tejon Way, Sacramento, shared with the City Council that their organization was contacted last March to help the non-profit agencies get safe and sane fireworks approved in the City of Lodi. Since then they have met with individual Council Members, the Fire Chief and Police Chief. "Safe and Sane fireworks" are fireworks that are State approved and identified with the State Marshal's seal of approval. Illegal fireworks, such as cherry bombs, are fireworks that go in the air, dart across the ground, or explode. Their agency conducts fireworks safety and education programs, in addition to an amnesty fireworks program, and supplying brochures. Ms. Castilone stressed that it has been a pleasure to work with the non-profit organizations and applauded them for standing by an issue that is important to them; however, her philosophy is that no matter one's opinion, one should always respect the other side. Making safe and sane fireworks should be the citizens' and the City Council's decision, and perhaps this is not the right time. American Promotional Events would be available to meet with any organizations or citizens to provide education regarding safe and sane fireworks;
2. Robert Riggle, 712 North Cross Street, Lodi, spoke in opposition to legalizing fireworks and expressed his opinion that there is nothing safe about fireworks, matches are not even safe. What does "safe and sane" even mean? Councils in the past decided there was not a need for fireworks in the City of Lodi and banned them—it was a good decision. The city of Galt is already having a problem with who will be able to sell these fireworks. If the City decides to do this, how will it decide which organizations will be able to sell them. There are no devices that explode that are safe and sane. Don't do this just to make money;
3. Vi Riggle, 712 North Cross Street, Lodi, also expressed opposition to legalizing fireworks. She spoke to many people in Lodi concerning this matter, and all have expressed their opposition. In younger years she can remember watching fireworks and being scared. She had a friend who lost an eye and another who lost two fingers. At the last meeting someone indicated that Monterey County had legal fireworks; however, she has since learned that they do not. No amount of money would justify legalizing fireworks. This is not any way to help the youth groups, and there is no such thing as safe and sane fireworks;
4. Jim Finney, West Elm Street, Lodi, spoke in favor of legalizing safe and sane fireworks. It is a good way for charities to make money, and it is one way to keep the money in Lodi when people would instead go to Galt or Ripon and buy fireworks anyway;
5. Dale Hjort, 1433 Ayers Avenue, Lodi, spoke in opposition to legalizing fireworks in Lodi. He has not talked with one person who was in favor of it, and he told them to contact the Council Members and voice their opposition;

6. Ed McIntosh, 2525 East Acampo Road, Acampo, expressed his support in legalizing safe and sane fireworks. He is the Athletic Director at Lodi High School and believes it would be a great fundraising opportunity. He understands the concern that people have for the potential for injuries, but we as parents need to educate our children on how to use them in a safe manner. Kids would not be directly involved in the sale of the fireworks. Adults involved with the non-profit organizations will actually be selling the fireworks. This is an opportunity to raise a substantial amount of money in a short period of time;
7. Jeff Tracy, 324 Finch Run, Lodi, involved with the Lodi High School athletic program, is in favor of getting safe and sane fireworks in Lodi. It is a good fundraising event and we need another means to raise money. Kids will not be doing the selling, it will be done by the adults. After he met with American Promotional Events, he got a real education on fireworks. This is not a fly-by-night organization--these are legal fireworks that have been approved by the State Fire Marshal. Give the City a chance and try this on a one-year trial basis. Let's make our own statistics, see what kind of injuries we experience, if any, and reevaluate it from there. It is good for the community to give it a chance. We will never know what could have been.  
FILE NO. CC-6 AND CC-24(b)

- c) The City Council, on motion of Council Member Warner, Pennino second, unanimously approved the interlocal contract between Douglas County and the City of Lodi for use of a Vintage-style trolley vehicle.  
FILE NO. CC-50(a) AND CC-90
- d) The City Council, on motion of Council Member Pennino, Sieglock second, unanimously created the Year 2000 Steering Committee, which will be made up of seven community representatives, and directed the City Clerk to post for the vacancies.  
FILE NO. CC-2(a) AND CC-6

10. ORDINANCES

None.

11. MEETING OF THE LODI INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

Chairperson Warner called the meeting to order and Secretary Perrin recorded roll. Following discussion, the Authority, on motion of Authorizing Member Pennino, Sieglock second, unanimously adopted Resolution No. IDA-14 electing the following new officers:

Chairperson: Phillip A. Pennino  
Vice Chairperson: Jack A. Sieglock  
Secretary: Jennifer M. Perrin  
Treasurer: Vicky McAthie

Chairperson Pennino adjourned the meeting of the Lodi Industrial Development Authority.  
FILE NO. CC-60 AND CC-300

12. RECONVENED CITY COUNCIL MEETING

Mayor Pennino reconvened the City Council meeting.

13. MEETING OF THE LODI PUBLIC IMPROVEMENT CORPORATION

President Warner called the meeting to order and Secretary Perrin recorded roll. Following discussion, the Corporation, on motion of Director Sieglock, Pennino second, unanimously adopted Resolution No. 97-1 electing the following new officers:

President: Phillip A. Pennino  
Vice President: Jack A. Sieglock  
Treasurer: Vicky McAthie  
Secretary: Jennifer M. Perrin

President Pennino adjourned the meeting of the Lodi Public Improvement Corporation.  
FILE NO. CC-190 AND CC-300

14. RECONVENED CITY COUNCIL MEETING

Mayor Pennino reconvened the City Council meeting.

15. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

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

- a) Council Member Warner indicated he has been receiving more calls and letters complaining about Continental Cablevision, primarily regarding rates and services. Mr. Warner informed the public that the City Council has no control over these issues, and if a competitive company wants to come in, they can. Mayor Pennino informed Council Member Warner that he and City Manager Flynn have a meeting scheduled with Continental Cablevision this week to discuss these concerns.  
FILE NO. CC-16 AND CC-22(c)
- b) Council Member Land sent his deep regrets and sorrow to the firefighters who gave their lives and the firefighter injured recently in Stockton. We need to remember that our public safety individuals put their lives on the line every time they go out. Also the Friends of Lodi Lake start their membership drive on April 1, 1997. Anyone wanting to be a charter member should call 368-4368. Their first meeting will be May 3, 1997 at Lodi Lake.
- c) City Manager Flynn informed the City Council that he forwarded a memo to them regarding a Letter to the Editor saying the City Council is dragging its heels on the downtown theater and parking structure. This issue has not been brought to the City Council yet. Staff is diligently working on it, and when the parties are in agreement we will bring the matter before Council. Mr. Flynn also forwarded a memo to Council regarding the Lodi Arts Center. There have been complaints that the group located at Lakewood Mall; however, they are not an organization of the City of Lodi, although, we do give them grant money to promote the arts. They make their own decisions. Mr. Flynn is under the impression that their lease will run out at the end of June, and they may go downtown or to Hutchins Street Square.  
FILE NO. CC-6 AND CC-72

*Continued February 19, 1997*

17. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 8:46 p.m.

ATTEST:

  
Jennifer M. Perrin  
City Clerk