

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 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, Administrative Assistant to the City Manager Evans, City Engineer Prima, Community Development Director Bartlam, Finance Director McAthie, City Attorney Hays and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Bill Sherrill, Faith Fellowship 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 Debi Baker with Allstate Insurance for supporting Public Fire Education. Ms. Baker provided the City with over 6,000 coloring books and activity folders specifically designed for fire prevention and further provided fingerprint kits and videos in which to expand the fire prevention efforts. Fire Inspector Gast presented Ms. Baker with a plaque on behalf of the Lodi Fire Department also thanking her for her support for Public Fire Education. Ms. Baker thanked the City Council and the Fire Department for this recognition and shared Allstate's belief in encouraging fire safety. Council Member Land informed the City Council that Ms. Baker started the Fire Explorer Program and is one of 17 individuals nominated for the Allstate National Safety Award. Mr. Land suggested that the Mayor send a letter of recommendation on behalf of Ms. Baker for the National Award.
FILE NO. CC-37 AND CC-112
 - b) Mayor Pennino presented Richard Seibel, Chairman of the Lodi Chapter of the Order of DeMolay, with a proclamation proclaiming the week of March 16 - 22, 1997 as "Order of DeMolay Week" in the City of Lodi. Mr. Seibel thanked the Council and citizens for supporting the Order of DeMolay, which is celebrating its 78th Anniversary.
FILE NO. CC-37
 - c) Suzanne Radotic, Vice Chairperson with the Greater Lodi Area Youth Commission, presented the City Council with its Honoring Teens Program. The purpose of the program is to show there are teens working hard to improve their community. Ms. Radotic introduced and recognized Jessica Jagir from Tokay High School as the Teen of the Month for her efforts in organizing an International Month at Tokay High School. Further, an Honorable Mention, Teen of the Month, was presented to a group of eight young adults from the First Baptist Church in Lodi.
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 Sieglock, Warner second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of 2,729,110.33.
FILE NO. CC-21(a)
- b) The minutes of March 5, 1997 (Regular Meeting) were approved as written.
- c) Agenda item #E-3 entitled, "Authorization to advertise for bids for asbestos abatement and demolition of collapsing commercial structure located at 17 East Elm Street as an abatement action" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Sieglock.)
- d) Approved the specifications for bids for front-loading parts washer for Equipment Maintenance Division and authorized advertising for bids.
FILE NO. CC-12.1(b)
- e) Approved the specifications for bids for one notebook computer and one LCD multimedia projector for use by the Finance Department (and other City departments) in budget presentations or other occasions where computer-based image or file projection is required and authorized advertising for bids.
FILE NO. CC-12.1(b)
- f) Accepted improvements under the "Recreation Office Reception and Lobby Remodel, 125 North Stockton Street" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
FILE NO. CC-90
- g) Accepted the improvements under the "Police Department Carnegie Basement Remodel" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
FILE NO. CC-90
- h) Approved the fee payment agreements, improvement deferral agreement, and encroachment permit and hold harmless agreement for 300 South Beckman Road and directed the City Manager and City Clerk to execute the agreements on behalf of the City and appropriated \$6,500 for installation of sidewalks on Thurman Street.
FILE NO. CC-6, CC-46 AND CC-90
- i) Approved the encroachment permit and hold harmless agreement for 40 East Neuharth Drive and directed the City Manager and City Clerk to execute the agreement on behalf of the City.
FILE NO. CC-6, CC-46 AND CC-90
- j) Approved the final map for Oaks Duplexes, Tract No. 2623, and directed the City Engineer and City Clerk to execute the map on behalf of the City.
FILE NO. CC-46
- k) Agenda item #E-11 entitled, "Dial-A-Ride Operations" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Sieglock.)

Continued March 19, 1997

- l) Approved an agreement with Baumbach & Piazza, Inc. for the purpose of providing construction engineering services for the improvements at Peterson Park.
FILE NO. CC-27(c) AND CC-90
- m) Authorized joining the amicus brief in the case of San Diego Gas & Electric Co. v. City of Carlsbad, et al., Fourth District Court of Appeal No. D027407.
FILE NO. CC-4(f)
- n) Authorized joining the amicus brief in the case of West Coast General Corp. v. City of Carlsbad, et al., Fourth District Court of Appeal.
FILE NO. CC-4(f)
- o) Authorized joining the amicus brief in the case of In re G.I. Industries, Inc. (Bankruptcy proceedings), United States District Court, Central District of California.
FILE NO. CC-4(f)
- p) Authorized joining the amicus brief in the case of San Jose Mercury News v. City of San Jose, Sixth District Court of Appeal.
FILE NO. CC-4(f)
- q) Agenda item #E-17 entitled, "Fleet Policies and Procedures" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed at public request.)
- r) Agenda item #E-18 entitled, "Ordinance establishing the exemption of the purchase and disposition of vehicles from the City's Purchasing System" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed at public request.)
- s) Adopted Resolution No. 97-34 in support of flying the nationally-recognized Prisoner of War/Missing in Action (POW/MIA) flag at City of Lodi facilities on Veteran's, Memorial and Armed Forces Days.
FILE NO. CC-6 AND CC-300
- t) Set Public Hearing for April 16, 1997 to consider the Planning Commission's recommendation to adopt an amendment and additions to Section 17.03 and 17.57 of the Zoning Ordinance of the Lodi Municipal Code.
FILE NO. CC-6 AND CC-53(a)

6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Sieglock, Pennino second, unanimously authorized advertising for bids and approved scope of work for asbestos abatement and demolition of collapsing commercial structure located at 17 East Elm Street as an abatement action.
FILE NO. CC-12.1(c) AND CC-24(b)
- b) Received report regarding Dial-A-Ride operations (implementation of a reservation system for Dial-A-Ride to satisfy a Federal requirement). Staff will be conducting a public meeting on Thursday, March 20, 1997 to receive public input on this matter. Further, City Manager Flynn indicated that a 5th route is currently being discussed that would include the areas near California Waste and Casa de Lodi. This matter will be brought back to the City Council at a future date.
FILE NO. CC-50(b)

Continued March 19, 1997

- c) The City Council, on motion of Mayor Pennino, Warner second, unanimously adopted Resolution No. 97-33 approving the Fleet Policies and Procedures, with the exception of Section 7, Insurance, and the logo and striping of City vehicles, and including a tracking system.

Further, the City Council, on motion of Council Member Sieglock, Warner second, approved the white color scheme for City non-public safety vehicles with the City logo only (no striping) by the following vote:

Ayes: Council Members - Mann, Sieglock and Warner

Noes: Council Members - Land and Pennino (Mayor)

Absent: Council Members - None

Speaking on the matter was the following person:

1. George Newmarch, P.O. Box 355, Lodi, expressed his concern that the policy include rules on the use and taking home of City vehicles, including prohibiting using the vehicle for private matters. Further, he would like the policy to define how far out of the City of Lodi these cars can be taken. Mayor Pennino indicated that these issues are addressed in the manual and directed the City Clerk to mail a full copy of the manual to Mr. Newmarch.
FILE NO. CC-6 AND CC-300

- d) The City Council, on motion of Council Member Sieglock, Mann second, unanimously introduced Ordinance No. 1643 establishing the exemption of the purchase and disposition of vehicles from the Purchasing System.

Speaking on the matter was the following person:

1. George Newmarch, P.O. Box 355, Lodi, expressed his concern that this change not mean deviating from the current bidding process. City Manager Flynn indicated that this will still require the same purchasing and bidding policy, but will give greater flexibility in the awarding of the bid.
FILE NO. CC-6 AND CC-149

7. PUBLIC HEARINGS

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

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 refuse rate adjustment application from California Waste Removal Systems.

Hearing Opened to the Public

1. Jack Fiori, California Waste Recovery Systems, Inc., Lodi, provided the City Council and the public with information on the refuse rate adjustment application. The original ordinances and methodology guidelines were drafted by a citizens committee in 1991, and this is an annual review of the revenue and expenses. Over the past five years California Waste has implemented many programs, including one-man trucks, automated collection, and operating a state-of-the-art processing system. Commercial recycling has improved in the past year resulting in 32% participation in the program. California Waste has helped Lodi achieve

compliance with Federal regulations, resulting in a 44% diversion rate. Included in the rate are many programs offered by California Waste, such as providing public awareness in educating youth about landfills and recycling, door hangers, programs for service groups, and advertising in the City utility bill. Lodi's residential rates are in the bottom one-third when comparing rates among Galt, San Ramon, Lathrop, Danville and Turlock, and is the lowest in San Joaquin County. There are a variety of outside influences that affect the rates including the increase in fuel costs, increase in the Federal minimum wage, and the commodity market. The overall success of the program is measured by meeting the goal of the Federal mandates, and there is a cost for staying in compliance;

2. Eileen St. Yves, 310 South Orange Avenue, Lodi, indicated she is upset over the garbage rate and the methodology used. Multi-family units are not included in the rate structure. Apartment complexes are not on the recycling program and do not have three waste carts. They instead have one large garbage bin and are charged as if they were participating in the program. Under the proposed new rate, the bin rental fee will double. Ms. St. Yves questioned what qualifies someone for a low-income rate and why there are three separate low-income rate structures. Multi-family dwellings do not produce the quantity of garbage as single-family dwellings. Apartment complexes also have a problem with "dumpster divers", and there is no way of keeping them out. Apartment complexes were not represented in the making of the rate methodology, and they would like an opportunity to address and resolve this issue;
3. George Newmarch, P.O. Box 355, Lodi, indicated the rate increase would be hard on him and his wife, who are on a fixed retirement income; however, in exchange for a higher garbage rate, Mr. Newmarch suggested an additional service. Have a local artist decorate one of the trucks as a turkey gobbler, labeled "The Germ Gobbler", dress the driver as a turkey and call him "Captain Sanitation", and collect the trash cans every six months or so to clean and sanitize them. Also to generate additional revenue and cut down on the rate increase, sell advertising on the garbage trucks;
4. Alice Hannan, Executive Director of the San Joaquin County Rental Property Association, Stockton, also expressed her concern that apartment complexes are not treated equally in the rate methodology. Ms. Hannan conducted her own survey and found that most apartment complexes did not recycle because of limited space and because of the "dumpster divers". Ms. Hannan requested that the rate structure be postponed and suggested that a task force be created to review the rate methodology before the April 16, 1997 City Council meeting; and
5. Tom Bandelin, representing the Fountains Apartments, Lodi, expressed concerns from the residents on the refuse rates and the amount of monthly charges for the little amounts of garbage disposed.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Mann, Sieglock second, took the following actions by the vote shown below:

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

Continued March 19, 1997

- Introduced Ordinance No. 1644 entitled, "An Uncodified Urgency Ordinance of the City Council of the City of Lodi Repealing Ordinance No. 1627 In Its Entirety, and Establishing New Rates for Residential Solid Waste Collection";
- Introduced Ordinance No. 1645 entitled, "An Uncodified Urgency Ordinance of the City Council of the City of Lodi Repealing Ordinance No. 1628 In Its Entirety, and Establishing New Rates for Commercial Solid Waste Collection"; and
- Introduced Ordinance No. 1646 entitled, "An Uncodified Urgency Ordinance of the City Council of the City of Lodi Repealing Ordinance No. 1629 In Its Entirety, and Amending Lodi Municipal Code Chapter 13.16, Relating to Commercial 10 to 50 Cubic Yard Roll-Off Boxes".

Further, the City Council provided staff direction on the following:

- Work with the Solid Waste Management Task Force and apartment complex owners/managers to review the rate methodology in regards to multi-family dwellings;
 - Look into creating a balancing account/rate stabilization fund; and
 - Look into the possibility of shipping garbage to private enterprise at a cheaper cost.
- FILE NO. CC-6, CC-22(b), CC-54 AND CC-149

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, Mann second, unanimously rejected the following claims:

1. Virginia Bowen, date of loss 1/23/97
2. Brian Huck, date of loss 1/28/97
FILE NO. CC-4(c)

- b) City Clerk Perrin read the following ABC Licenses:

1. Petra Flores, Casa Flores, 400 East Kettleman Lane, Building C, Suite 5 & 6, Lodi, On-Sale Beer and Wine, Original License
FILE NO. CC-7(f)

- c) The City Council, on motion of Council Member Sieglock, Mann second, unanimously directed the City Clerk to post for the following vacancy:

East Side Improvement Committee

Dick Woolstrum term to expire March 1, 1999
FILE NO. CC-2(s)

- d) The City Council, on motion of Council Member Mann, Pennino second, unanimously made the following appointments:

Information Technology Committee

Janelle Dickey, Community Representative
Dale Taylor, Community Representative
Mel Grandi, Electric Utility Department Representative
FILE NO. CC-2(a)

9. RECESS

Mayor Pennino called for a fifteen-minute recess and the City Council meeting reconvened at approximately 8:38 p.m.

10. REGULAR CALENDAR

- a) Following discussion regarding the Lodi Multimodal Station Project Site Plan, Sacramento Street between Oak Street and Elm Street, the City Council, on motion of Mayor Pennino, Mann second, unanimously approved the Site Master Plan, directed staff to proceed with implementation of the project, and selected Option 2 for the design of the future clock tower.

Speaking on the matter were the following persons:

1. Terry Bottomley, Freedman, Tung & Bottomley, reviewed the plans for the Lodi Multimodal Station Project and explained Phase I and Phase II of the project;
2. Harry Montgomery, San Joaquin County Regional Rail Commission, explained where the funding will come from: Measure K funds, Transportation Development Act (TDA) money, Transit Capital Improvement (TCI) money, Proposition 116 (clean air) funds, Federal Transit Assistance (FTA) 9 funds, and transportation funds. The planning/project management and feasibility studies are complete, and the current phase is the site plan. The next step will be the environmental plan to declare a clean site and the preliminary engineering. Caltrans is trying to get the trains to run on the Union Pacific (UP) lines, therefore, bypassing Lodi; however, the Central Valley Rail Committee is actively fighting against that. In fact at the next City Council meeting, the Council will be asked to adopt a resolution asking for support for the Central Valley Rail Committee in proceeding with getting the rail to come through the central valley; and
3. Janice Roth, representing the Lodi Historical Society, 746 Maplewood Drive, Lodi, expressed the organization's support of the plan. Their goal is to preserve, protect and maintain the history of Lodi, and the depot will become a working model of the old becoming useful again.
FILE NO. CC-6, CC-50(a) AND CC-72

- b) The City Council, on motion of Mayor Pennino, Warner second, directed staff to continue with plans to include the Woodbridge Irrigation District (WID) canal crossing with the Mills Avenue bridge project by the following vote:

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

Speaking on the matter were the following persons:

1. Al Silveira, 300 South Mills Avenue, Lodi, expressed his opposition to opening up Mills Avenue. It will create much more traffic than what there is now; we already have a problem with the existing traffic. There were four accidents on the corner of Lodi Avenue and Mills Avenue just this last summer;

2. E. B. Condit, 420 South Mills Avenue, Lodi, also spoke in opposition to opening up Mills Avenue. This is a nice, quiet neighborhood and there are a lot of people that walk in the area. Opening up the street will be a detriment and will make the neighborhood less desirable with the increased traffic. He travels along Lower Sacramento Road and Ham Lane almost every morning and has never found the traffic situation to be very heavy. It would not be a disadvantage for those on the other side to continue using those routes and not open up Mills Avenue;
3. Bob Burnett, 500 South Mills Avenue, Lodi, also spoke in opposition to opening up Mills Avenue. There are grammar school children at the schools on Tokay and Mills Avenue and on Elm and Mills Avenue. The children are always running out into the street. On Saturdays it is a race track in that area. If Mills goes through, the traffic and speeds will greatly increase. Make Lower Sacramento Road a four-lane street and use that. It is not pushing people way out of the way, and there is plenty of north/south movement;
4. Melissa Hopps, 829 South Mills Avenue, Lodi, agreed with the previous comments regarding the school children, and added that the young people are there all day because they have sporting events on the school field. The area saw an increase in traffic when Sunwest was built, and they installed a stop sign in the area. This is a residential street. Kettleman Lane is more than wide enough and the four lanes proposed for Lower Sacramento Road will meet the needs. The fire and police services will not be greatly affected if Mills does not go through. An increase in the traffic of 10,000 vehicles per day is a lot;
5. Eric Schneider, 1132 South Mills Avenue, Lodi, echoed the same concerns and added his worry about the difference in grade at the end of Mills Avenue by Royal Crest. It is a safety factor;
6. Joe Fiori, 531 South Mills Avenue, Lodi, also expressed his opposition and echoed the same concerns. It is not in the best interest to put Mills Avenue through to Kettleman Lane;
7. Judy Huffman, 1115 South Mills Avenue, Lodi, agreed there is a safety factor. A lot of teenagers walk to school, the school fields are used for sports events and it would not be a benefit to open up Mills Avenue. Ms. Huffman requested that it be taken off of the General Plan. It will be difficult to exit one's driveway if the traffic increases to 10,000 vehicles per day. The quietness speaks for the neighborhood, and the property values will go down. These plans were made 25 years ago. If it had gone through originally, it would have made a difference for those who bought homes there;
8. Barbara Fiori, 531 South Mills Avenue, Lodi, also expressed a concern with the kids walking to school. She would compare it to them walking along Ham or Kettleman Lane, and they should not be walking by themselves on a street carrying that much traffic;
9. John Giannoni Jr., expressed support for the Mills Avenue crossing. He has been involved in the Sunwest project since the inception of unit 2 in 1978 and does not disagree with the comments about the value. Although it is not a money issue. There is a real concern with police and fire services and response time. On a circulation standpoint, no one should be left out on an island. We need to continue the course that we have been on, it is appropriate and necessary;

Continued March 19, 1997

10. Jeff Kirst, Tokay Development Company and project proponent, P.O. Box 1250, Woodbridge, indicated that however the Council votes, he will win. As the developer, it would not be as beneficial opening up Mills Avenue because it will affect the property values of the new homes, and because of the layout it will cost more. However, as a citizen he would like to be able to drive on Mills Avenue through to Kettleman Lane. It is the right thing to do; and
11. Joe Oddo, 712 South Mills Avenue, Lodi, expressed his opinion that the only one benefiting from this is the developer because he could not charge enough for the homes if there is only one access to the development.
FILE NO. CC-6 AND CC-45(a)

11. RECESS

Mayor Pennino called for a ten-minute recess and the City Council meeting reconvened at approximately 10:20 p.m.

12. REGULAR CALENDAR (Continued)

- a) The City Council, on motion of Council Member Land, Mann second, unanimously approved specifications and authorized advertisement for bids for a portable lift system for the Equipment Maintenance Division (following comments on the 1996/97 Federal Transit Administration (FTA) program of projects).
FILE NO. CC-12.1(b) AND CC-50(a)

13. ORDINANCES

None.

14. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Wayne Koeplin, 2343 Tejon, Lodi, and business owner at 519 South Cherokee Lane, expressed a complaint regarding the recent construction for the Downtown and Cherokee Lane Revitalization. The downtown is being handled very nicely and there are construction schedules being printed in the Lodi News Sentinel. However, Cherokee Lane seems to be treated differently. Recently the entire street was blocked off and there were signs indicating no parking for the next five months. He thought the construction was going to be done in sections. City Engineer Prima indicated that there was one aspect of the Cherokee Lane project that had to be done all at once and was supposed to last for one day. The rest of the project is to be done in sections. There was a problem with the contractor posting signs regarding the no parking, which was never the City's intention. The matter is being resolved. City Manager Flynn agreed that there should be more attention and information for the Cherokee Lane construction. He will ask the Revitalization Coordinator to talk with the merchants along Cherokee Lane and include construction schedules in the newspaper.
FILE NO. CC-16, CC-72 AND CC-400

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

- a) Council Member Sieglock commented on a recent article in the Lodi News Sentinel regarding Park Naturalist Barbara Brown at Lodi Lake. He and the City Manager have met regarding this issue, and he asked Mr. Flynn to give an update. City Manager Flynn indicated he has met with Ms. Brown and the Parks and Recreation Director. Mr. Flynn assured the Council and the public that she will be working the same number of hours, her duties will be structured a little bit, and the volunteers will not be leaving. The volunteers are an outstanding resources and their efforts are valued. The person coming in as a Park Naturalist will be supplementing the duties, and they will work as a team in order to provide better services.
FILE NO. CC-27(c) AND CC-34
- b) City Manager Flynn announced that the City of Lodi has again received the Distinguished Budget Award this year. Finance Director McAthie and her staff worked extremely hard for this award, and should be congratulated. Further, Mr. Flynn met with Fire Department personnel this week. They do a lot for the City that goes unnoticed including CPR and first aid programs, youth educational program in the schools, etc. Mr. Flynn is planning in the future to have more presentations before the City Council about the programs and services they provide to the citizens of Lodi.

16. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 10:35 p.m.

ATTEST:


Jennifer M. Perrin
City Clerk