

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, APRIL 16, 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, City Engineer Prima, Community Development Director Bartlam, Finance Director McAthie, Library Services Coordinator Martinez, City Attorney Hays 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 introduced Bill Dauer who announced that Saturday, May 10, 1997 will be "Walk For The Health Of It Day" in the City of Lodi. Last year, the event brought in \$29,800. This year's event is estimated to bring in \$35,000, which will go toward much needed equipment for the hospital. They continue to receive and appreciate superb assistance from both the Police and Fire Departments, and they appreciate their assistance. Mr. Dauer presented the City Council Members with T-shirts and brochures promoting the event. The public was encouraged to participate in the walk.  
FILE NO. CC-37
- b) Mayor Pennino presented a proclamation to Bradley Jones with the Lodi Employment Development Department (EDD) proclaiming the week of May 5 - 11, 1997 as "Hire A Veteran Week" in the City of Lodi. Mr. Jones thanked City Council for the proclamation, and called on local employers and state and local governments to lend support to this campaign. Anyone needing information was urged to call the Lodi EDD at 333-5317.  
FILE NO. CC-37
- c) Mayor Pennino presented a proclamation to Library Services Coordinator Martinez and to Gail Evans with the Tokay High School Library proclaiming the week of April 13 - 19, 1997 as "National Library Week" in the City of Lodi. Ms. Martinez thanked the City Council for acknowledging the contributions of the library and for their 90 years of continuous support. Further, the City Council and the public was invited to visit the Library and attend the dedication of the Library's Community Room on April 21, 1997 at 5:30 p.m. Ms. Evans also thanked the City for supporting the school libraries. City Manager Flynn officially announced and introduced Nancy Martinez who was selected by the Library Board of Trustees as the new Library Services Coordinator. Ms. Martinez has been acting in this position for nine months and has done an outstanding job.  
FILE NO. CC-37
- d) Mayor Pennino presented a proclamation to Matt Petrick proclaiming the month of April, 1997 as "Lodi Community Concert Association Month" in the City of Lodi. This organization has been here for 50 years. Mr. Petrick thanked the City Council for this recognition and announced its concert schedule for the next year.  
FILE NO. CC-37

- e) Christina Wright with the Greater Lodi Area Youth Commission, regarding its Honoring Teens Program, presented Beth Vander Hamm from Lodi High School with the Teen of the Month Award. Beth thanked the Commission for the recognition and thanked her parents for their support. An Honorable Mention was presented to Regina Hall, Lodi High School for her dog training and John Schimke, Seventh Day Adventist School for his academics and church involvement. Mayor Pennino stated applications can be obtained from the Youth Commission. FILE NO. CC-2(t)
- f) Antonio Pizano, Executive Director with the San Joaquin County Housing Authority, presented City Council with its Annual Report and further reported on the Authority's accomplishments and future goals. The theme of the annual report is "People Building Futures". Besides being known as a caretaker, the Authority is reaching out to the private sector through its Section 8 Program. The Authority is working to come back with solutions to care for the needs of the community, focusing on rehabilitation and upgrading. As an example, in anticipation of welfare reform, the Authority is reaching out to work with that sector of the community. It has created a Resident Construction Program to employ recipients of welfare to work for their money. They're getting hands-on training, but they are also receiving educational classroom experience. Mayor Pennino questioned how many individuals are assisted in Lodi. Mr. Pizano stated that, under the Section 8 Program, and out of 2,400 families throughout San Joaquin County, 179 families are being assisted in Lodi, the second largest number behind Stockton. FILE NO. CC-7(b)

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5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$2,103,116.17 and Disbursements through Wire Transfers were approved in the amount of \$2,195,142.43. FILE NO. CC-21(a)
- b) The minutes of April 2, 1997 (Regular Meeting) were approved as written.
- c) Received report of sale of scrap metal in the amount of \$4,210.24. FILE NO. CC-20 AND CC-47
- d) Adopted Resolution No. 97-43 awarding the purchase of one power circuit breaker speed and travel analyzer to the low bidder, Vanguard Instrument Company, c/o Tarbell Associates of Novato, California, in the amount of \$11,960.25. FILE NO. CC-12(d) AND CC-300
- e) Adopted Resolution No. 97-44 awarding the contract for Candy Cane Park Playground Improvements, 1324 Holly Drive, and English Oaks Common Park Playground Improvements, 2184 Newbury Circle to A.M. Stephens Construction Co., in the amount of \$33,922.00. FILE NO. CC-12(a) AND CC-300
- f) Accepted the improvements under the "Central City Revitalization Downtown Underground Utilities Improvements" contract, directed the City Engineer to file a Notice of Completion with the County Recorder's Office, appropriated funds in accordance with staff recommendation, and received Contract Change Order for the project. FILE NO. CC-72 AND CC-90
- g) Accepted the improvements under the "Watermain Installations, Turner Road and Laurel Avenue, and Lodi Lake Park" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's Office. FILE NO. CC-90

Continued April 16, 1997

- h) Adopted Resolution No. 97-45 accepting the bid of \$40,000 from the Lodi Chapter of Habitat for Humanity of San Joaquin County, Inc. for the property at 1775 South Church Street and authorized the City Manager and City Clerk to execute the deed for this property when the money is received.  
FILE NO. CC-12(a) AND CC-300
  - i) Adopted Resolution no. 97-46 approving the Federal Transit Administration (FTA) 1996-97 Program of Projects.  
FILE NO. CC-50(a) AND CC-300
  - j) Approved the agreement with the United States Postal Service for installation and maintenance of the "mini-plaza" to be constructed on postal service property in conjunction with the Central City Revitalization Improvement Project, and authorized the City Manager and City Clerk to execute the Agreement.  
FILE NO. CC-72 AND CC-90
  - k) Adopted Resolution No. 97-47 supporting AB1296 making skateboarding a hazardous recreational activity.  
FILE NO. CC-24(b), CC-28 AND CC-300
  - l) Agenda item #E-12 entitled, "After School Playground fee increase" was pulled from the agenda pursuant to staff's request.
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6. 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 Planning Commission's recommendation to adopt additions to section 17.57 of the Zoning Ordinance of the Lodi Municipal Code.

**ACTION:**

The City Council, on motion of Council Member Sieglock, Land second, unanimously continued the Public Hearing to May 21, 1997 to consider Planning Commission's recommendation to adopt additions to section 17.57 of the Zoning Ordinance of the Lodi Municipal Code.  
FILE NO. CC-53(a)

7. COMMUNICATIONS (CITY CLERK)

- a) The following report was presented to the City Council:
  - 1. Planning Commission report of March 24, 1997  
FILE NO. CC-35(c)
- b) The City Council, on motion of Council Member Sieglock, Land second, unanimously directed the City Clerk to post for the following expiring terms on various boards and commissions:

**Advisory Board 49-99 Library Systems**

Pat DeSelms                      term to expire July 1, 1997

**Library Board of Trustees**

David Duncan                    term to expire June 30, 1997  
Rita Devencenzi                term to expire June 30, 1997

**Lodi Arts Commission**

Rexford Reynolds	term to expire July 1, 1997
Susan Maley	term to expire July 1, 1997
Marlo Kerner	term to expire July 1, 1997
William Crabtree	term to expire July 1, 1997
Sherri Smith	term to expire July 1, 1997

**Planning Commission**

Harry Marzolf	term to expire June 30, 1997
W. John Schmidt	term to expire June 30, 1997

**Greater Lodi Area Youth Commission**

*Adult advisors:*

Marilyn Hughes	term to expire August 30, 1997
David Wright	term to expire August 30, 1997
Samir Berbawy	term to expire August 30, 1997

*Student appointees:*

Christina Wright	term to expire August 30, 1997
Heidi Ensminger	term to expire August 30, 1997
Steve Marks	term to expire August 30, 1997
Suzanne Radotic	term to expire August 30, 1997

**San Joaquin County Commission on Aging**

Dorance Ochs	term to expire June 30, 1997
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FILE NO. CC-2(a), CC-2(d), CC-2(g), CC-2(k) AND CC-2(t)

8. **REGULAR CALENDAR**

- a) The City Council, on motion of Council Member Warner, Mann second, adopted Resolution No. 97-48 installing a 220-foot no-parking zone on Woodhaven Lane at Turner Road to improve visibility of the traffic signal by the following vote:

Ayes: Council Members - Land, Mann, Sieglock and Warner

Noes: Council Members - Pennino (Mayor)

Absent: Council Members - None

Speaking on the matter was the following person:

1. Del Smith, 2505 West Turner Road, Lodi, spoke in favor of the staff recommendation. This intersection has had a high number of traffic accidents because of the visibility problem caused by the trucks. The semi-trucks park right by the intersection where pedestrians cross, and because of development in the area, the pedestrian traffic will be increasing. It is a dangerous intersection.  
FILE NO. CC-48(e) AND CC-300

9. **ORDINANCES**

- a) Ordinance No. 1647 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 8 - Health and Safety of the Lodi Municipal Code by Adding Chapter 8.22, Relating to the Declaration of Nuisances as to Specific Hazardous Chemicals" having been introduced at a regular meeting of the Lodi City Council held April 2, 1997 was brought up for passage on motion of Council Member Warner, Land second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Land, Mann, Sieglock, Warner and Pennino (Mayor)  
Noes: Council Members - None  
Absent: Council Members - None  
FILE NO. CC-24(a), CC-24(b) AND CC-149

10. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) John C. Penny, 321 Neplus Court, Lodi, expressed a complaint against the City of Lodi Finance Department. Mr. Penny is a "functional illiterate" and has difficulty in writing out his checks. He recently went into the Finance Department to pay his City utility bill. He stood in line for some time, even though he was in pain from his recent accident. When he arrived at the window and requested assistance in filling out his check, the person at the window said she would not do it. He has no one else in his life to help him write his check, and he has never had this problem at other places of business. City Manager Flynn indicated he is not sure if the City has a policy on this matter; however, he will ask the Finance Director to look into the matter. There are some concerns of writing out someone else's checks; however, if someone is unwilling to help, there are other persons at City Hall who can. Finance Director McAthie explained that the Finance Department has experienced problems with this in the past. Staff assisted a customer, who later returned accusing the City of cleaning out her bank account by writing the check in an amount over what was authorized. For the protection of the customer and staff, the Department recommends that a friend or relative assist in filling out the check. The Council Members agreed that, although there may be a small risk and the occasional problem, people with disabilities should be given additional assistance.  
FILE NO. CC-16 AND CC-21(a)

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

- a) Council Member Land acknowledged that the City awarded a contract to a local company on this evening's Consent Calendar and encouraged all Lodi businesses to submit bids. Mr. Land received a call from a citizen this week who had Continental Cable at her house to do some work. She asked the cable employee why cable rates have gone up as was told it was due to the City Revitalization project. Mr. Land assured the public that this information is just not true and the cable company is not paying for the Revitalization Project at all. Further, Council Member Land recently had the opportunity to be "Principal For A Day" at Washington School. He had a great time, and thanked the school for the invitation to do so. Their student body council would like to conduct one of its meetings here at the Carnegie Forum.  
FILE NO. CC-6, CC-16 AND CC-72
- b) Council Member Sieglock commented on an article in The Record regarding the Defense Logistics Agency being shut down for consolidation and requested that a resolution in support of maintaining the facility here be placed on the next agenda. Mayor Pennino clarified the depot would be laying off 350 employees.  
FILE NO. CC-6
- c) Council Member Mann added to Council Member Land's comment regarding "Principal For A Day". Mr. Mann also had the opportunity to do this last year, and feels it would be a good idea to invite the principals to a Shirtsleeve Session to be a "Council Member For A Morning". Council concurred and directed the City Manager to make the arrangements.  
FILE NO. CC-6
- d) City Engineer Prima responded to Council Member Land regarding Continental Cable employees giving out erroneous information. Public Works has also received this complaint and is sending a letter asking the company to inform their employees correctly. Further, Public Works has received many calls regarding 30 minute parking downtown. Mr. Prima reassured citizens that the City is not putting 30 minute parking all over downtown, and staff is simply

reviewing request from businesses in selected areas. There will be a general meeting on the matter on April 28, 1997, and staff will then return to the City Council with recommendations. City Manager Flynn added that the Downtown Revitalization Project Coordinator has visited with over 75 merchants downtown, interviewed them and is receiving informal votes on the matter, which will be reported back to the City Council.  
FILE NO. CC-72

- e) Council Member Mann requested an update on the status of the train depot. City Engineer Prima indicated that things are moving along. Harry Montgomery with the San Joaquin Rail Commission has been a great asset and has been following through on the details. Some of the issues staff is trying to resolve is the relocation of the gas pipeline and working with Caltrans to make an offer on the property. Moving of the structure will most likely not happen until 1998. The Rail Commission is in the process of putting together a request for proposals. Council Member Mann asked for a report on the passenger rail decision. City Engineer Prima indicated that he believes the funding is in the Governor's budget. Mayor Pennino stated that there is some discussion at the Caltrans level to request the Governor to reallocate the money; therefore, we may have to do some political fighting on this matter.  
FILE NO. CC-7(h) AND CC-72
- f) Council Member Sieglock encouraged the public to attend the Lodi Boys and Girls Club Annual Mardi Gras on Saturday, April 19, 1997. Tickets are still available.

12. CLOSED SESSION

Mayor Pennino adjourned the meeting to a Closed Session to discuss the following matter:

- a) Pursuant to Government Code §54956.9(c). Conference with legal counsel. Anticipated litigation/initiation of litigation. One potential case.

13. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

Mayor Pennino reconvened the City Council meeting at approximately 8:36 p.m. and disclosed the following information:

- a) Pursuant to Government Code §54956.9(c). Conference with legal counsel. Anticipated litigation/initiation of litigation. One potential case.

The City Council authorized joining the City of Modesto in action against the San Joaquin County relative to recently adopted ordinance dealing with the application of biosolids to private property.  
FILE NO. CC-200(d)

14. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 8:36 p.m.

ATTEST:

  
Jennifer M. Perrin  
City Clerk