

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 4, 1997**

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, City Engineer Prima, City Attorney Hays and Acting City Clerk Reimche

2. INVOCATION

The invocation was given by Pastor Steve Darling, Salem 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 proclamation to John Ferraro, proclaiming June 7, 1997 as "Festa Italiana" in the City of Lodi.
FILE NO. CC-37
- b) Speaking on behalf of the Lodi Senior Citizens Commission was Perry Schimke who gave a presentation regarding the Lodi Senior Resource Guide and the valuable information it will provide seniors in this community regarding various services available to them.
FILE NO. CC -2(i)

5. CONSENT CALENDAR

Following introduction of the matter by City Manager Flynn and City Attorney Hays, the City Council, on motion of Council Member Warner, Land second, added the following Urgency Item to the agenda:

Adopted Resolution No. 97-71 authorizing the City Manager to execute the Federal Transit Administration (FTA) Contract, Grant No. CA-90-X708-00 for fiscal year 1994/95 on behalf of the City.

In accordance with report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Sieglock, Mann second, approved the following items hereinafter set forth:

Mayor Pennino abstained from voting on Consent Calendar Item E-7 -"Addendum to Power Engineers, Inc. contract to provide survey and plan drawing services" because of a possible conflict of interest

Agenda items E-3 - "Specifications and Advertisement for Bids for Tree Trimming Contract (Power Line Clearing)"; E-9 - "Hutchins Street North of Harney Lane - 150 foot 'No Parking' Zone North of Driveway Serving Commercial Development", and E-10 - "Lodi Central City Revitalization Project - Downtown Professional Services Agreements for Architectural Construction Services and Gateway Artwork". were pulled from the Consent Calendar for discussion at a later point on the agenda prior to the adoption of the remaining items on the Consent Calendar.

- a) Claims were approved in the amount of \$3,788,386.26 and disbursements through Wire Transfers in the amount of \$185,773.57.
FILE NO. CC-21(a)
- b) The minutes of May 21, 1997 were approved as amended.
- c) Specifications and Advertisement for Bids for Tree Trimming Contract was removed from the Consent Calendar and discussed and acted upon at a later point on the agenda.
FILE NO. CC- 12.1 (b)
- d) Specifications and Advertisement for Bids for Type II Slurry Seal for Various City Streets, 1997.
FILE NO. CC-12.1 (b)
- e) Adopted Resolution No. 97-62 awarding the bid for the purchase of 40 wood utility poles to J. H. Baxter and Company of San Mateo, in the amount of \$15,483.68.
FILE NO. CC-12(d)
- f) Adopted Resolution No. 97-63 awarding the bid for the purchase of one Front-Mount Mower to Wright Motors of Lodi, in the amount of \$7,056.87.
FILE NO. CC-12(d)
- g) Authorized the City Manager to execute an addendum providing survey and plan drawing services, to Power Engineers' personal services contract for the 230 kV Interconnection Project - Mayor Pennino abstained from voting on this matter.
FILE NO. CC- 90
- h) Adopted Resolution No. 97-64 amending Section 2(C) of the Traffic Resolution No. 87-163, by approving the conversion from "Yield" to "Stop" signs at the intersection of Flora Street at Washington Street.
FILE NO. CC-48(i)
- i) Adopted Resolution No. 97-65 approving the installation of a no-parking zone on the west side of Hutchins Street, beginning at the driveway servicing the commercial development immediately north of Harney Lane and extending 150 feet north of the driveway. This item was removed from the Consent Calendar and discussed and acted upon at a later point on the agenda.
FILE NO. CC-48(e)
- j) Authorized the City Manager to execute an agreement with Bob Resch, dba Princeton Welding, for the grapevine sculpture on the School Street gateway in the amount of \$65,000, and amending the professional services agreement with Freedman, Tung and Bottomley (FTB) to include construction services, in an amount not exceed \$165,000. This item was removed from the Consent Calendar and discussed and acted upon at a later point on the agenda.
FILE NO. CC-72
FILE NO. CC-90

- k) Adopted Resolution No. 97-66 approving the modified Master Agreement and Program Supplement No. 001-M to the Local Agency-State Agreement No. 10-5154 covering the preliminary engineering for the Cherokee Lane Street Lighting and authorizing the City Manager to execute the agreements on behalf of the City.
FILE NO. CC-90
- l) Adopted Resolution No. 97-67 approving the restriction of vehicles parked for sale on Elm Street between Lower Sacramento Road and Evergreen Drive.
FILE NO. CC-45(a)
- m) Adopted Resolution No. 97-68 approving the destruction of certain Finance Department records.
FILE NO. CC-162
- n) Adopted Resolution No. 97-69 appointing Marlon Robbins, Risk Manager, as Director, and Carlos Tobar, Transportation Manager, as alternate Director to the Board of Directors of the California Insurance Pool (CalTIP).
FILE NO. CC - 21.1(i)
- o) Set a public hearing for the Regular City Council Meeting of June 18, 1997, to receive public input on IRP submittal.
FILE NO. CC 7(j)
- p) Set a public hearing for the Regular City Council Meeting of June 18, 1997 to consider the technical equipment purchase proposal for the Local Law Enforcement Block Grant Program.
FILE NO. CC - 152
- q) Adopted Resolution No. 97-70 declaring weeds a public nuisance and initiating abatement proceedings on various parcels throughout the City and setting the matter for public hearing on July 2, 1997.
FILE NO. CC-24(b)
- r) Adopted Resolution No. 97-71 authorizing the City Manager to execute the Federal Transit Administration (FTA) Contract, Grant No. CA-90-X708-00 for fiscal year 1994/95 on behalf of the City.
FILE NO. CC-111

6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Consent Calendar No. E-3 entitled - "Specifications and Advertisement for Bids for Tree Trimming Contract (Power Line Clearing)" which was removed from the Consent Calendar was introduced by staff. Various members of City Staff then responded to questions regarding the matter as were posed by members of the City Council. On motion of Mayor Pro Tempore Sieglock, Mann second, the City Council approved the specifications for a tree trimming contract for power line clearing and authorized the advertising for bids. Further, the City Council directed that this program be reviewed by the City Council in one year.

- b) Consent Calendar -9 entitled - "Hutchins Street North of Harney Lane - 150-Foot 'No Parking' Zone North of Driveway Serving Commercial Development" which was removed from the Consent Calendar was introduced by staff. City Engineer Richard Prima indicated that a study has been prepared based on concerns expressed related to visibility problems while entering Hutchins Street from the driveway servicing the commercial development located at the northwest corner of Hutchins Street and Harney Lane. The visibility problem is caused by vehicles, primarily trucks parked just north of this driveway. The trucks parked adjacent to this commercial development are legal according to the City's existing truck parking ordinance. According to this ordinance, the parking of commercial vehicles is prohibited adjacent to any residentially-zoned areas. Members of the City Council posed numerous questions which were responded to by Staff. Following discussion, on motion of Mayor Pennino, Mann second, the City Council unanimously adopted Resolution No. 97-65 - A Resolution of the Lodi City Council Approving the Installation of a 150-foot No-Parking Zone on the West Side of Hutchins Street.
- c) Consent Calendar No. E-10 entitled --"Lodi Central City Revitalization Project - Downtown Professional Services Agreements for Architectural Construction Services and Gateway Artwork" which was removed from the Consent Calendar was introduced by staff. The City Council was reminded that at its February 5, 1997 meeting, the City Council awarded the construction contracts for the Central City Revitalization Project and appropriated funds for the project. Staff indicated that a number of items included in the project budget and appropriations were not ready for final action. Those items included professional services agreements for the creation of the grapevine sculpture on School Street and construction services with FTB. Council discussion followed with numerous questions being directed to Staff. Following an inquiry by Council, City Engineer Richard Prima apprised the City Council that the requested action in this matter would not add anything to the assessment nor would it increase General Fund expenditures.

On Motion of Council Member Land, Sieglock second, the City Council authorized the City Manager to execute an agreement with Bob Resch, dba Princeton Welding for the grapevine sculpture on the School Street gateway in the amount of \$65,000 and to amend the professional services agreement with Freedman, Tung and Bottomley (FTB) to include construction services, in an amount not to exceed \$165,000.

FILE NO. CC - 72

FILE NO. CC -90

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 the City initiated request to approve the Downtown Development Standards and guidelines for property generally located south of Lockeford Street, west of the Southern Pacific right-of-way, and parcels along Lodi Avenue to the south and east of Pleasant Avenue.

Mr. Konradt Bartlam, Community Development Director advised the City Council that the Downtown Development Standards and Guidelines have been prepared in order to fully implement the concept plan for Downtown. Currently, the public improvement phase of the program is underway. This first phase is only the beginning in seeing the revitalization of Lodi's central core. In order for Downtown to be successful in the future, investment in private property is required. Just as a public improvement has a set of plans which implement the goals of the program, so too must the private sector. It is with this background, a number of specific directions from the concept plan and a set of solid design principals, that the Downtown Development Standards and Guidelines have been developed.

The four major objectives were presented by Mr. Bartlam, along with a number of pictures depicting allowable signage.

Hearing Opened to the Public

1. Mr. Tony Segale, P. O. Box 1027, Lodi addressed the City Council regarding the matter, stating that he felt the adoption of these Downtown Development Standards and Guidelines would help to create a very nice downtown. Mr. Segale asked if there is a fee for Encroachment Permits. Mr. Prima indicated that presently there is no fee.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion Mayor Pro Tempore Sieglock, Land second, introduced Ordinance No. 1649 - "An Uncodified Ordinance of the Lodi City Council Adopting the Downtown Development Standards and Guidelines for Property Generally Located South of Lockeford Street, West of the Southern Pacific Railroad Right-of-Way and Parcels Along Lodi Avenue to the South and East of Pleasant Avenue."

The motion carried by the following vote:

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

Noes: Council Members - Mann

FILE NO. CC-35

FILE NO. CC-72

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, Warner second, rejected the following claims:
- 1) William Mauch, date of loss 04/15/97
 - 2) Gordon Hill, date of loss 04/14/97
 - 3) Donald R. Cantaloupi, Jr., date of loss 11/14/96
 - 4) Harold C. King, et al, date of loss 05/06/96
 - 5) Elaine Graham, date of loss 10/12/96
FILE NO. CC-4
FILE NO. CC-21.1(a)
- b) The following report was presented to the City Council:
1. Planning Commission report of May 12, 1997.

Mrs. Reimche indicated that at its Regular Meeting of May 12, 1997, the Planning Commission approved the request of F. B. Quilantang and Associates, for a Use Permit to allow the reconstruction of a fire damaged, 4-unit apartment building, at 433 East Locust Street.
FILE NO. CC-35(c)
- c) Acting City Clerk Reimche presented an official notice from Pacific Gas and Electric regarding the filing of Electric Rate Reduction Bonds and 10% Rate Decrease.
FILE NO. CC-7 (t)

RECESS

Mayor Pennino declared a five minute recess, and the City Council reconvened at approximately 8:05 p.m.

9. REGULAR CALENDAR

- a) Following review of the various options for After School Playground care at five sites, the City Council, on motion of Council Member Mann, Sieglock-second, adopted Resolution No. 97-72 adopting After School Program Option No. 3 which includes the following:
- Five City Sites
 - Afternoons 2:45 p.m. - 6 p. m.
 - Games and homework time
 - \$3.00/day; \$15.00/week - no sibling rate
 - Maximum 40 kids
 - No guarantee on located space
 - No Lake trips
 - 1/20 ratio

The matter was introduced by Community Center Director Charlene J. Lange who advised that since 1940 the City of Lodi has provided summer playground programs at a low or no cost fee, staffed by high school or college age students. The programs have evolved over time with a significant growth spurt when Lodi Unified Schools moved into the year-round school system.

In 1993 the After School Program migrated to indoor space at the school sites on rainy and hot days. Indoor space is rotated at each school site depending on the availability. Principals are reluctant to assign one room to the program since they often are in need of that space for their own uses and programs after hours.

The school district has been very generous in providing the school facilities at no cost to the City and has also underwritten the expense of janitorial services and restroom supplies. The program does experience some problems with security because we have no secured facility that is completely off limits to the public. The playgrounds present the biggest problems since outside space is considered "public" after the last school bell rings.

The After School Program does provide care for children after school at a very reasonable cost. We have consistently added "safety features" including cell phones and staff training in an attempt to maintain a safe environment.

There are other after-school programs available in the area. However, in comparison to other area after school care situations, the City offers an on-site program at a fraction of the private program cost.

Lisa Rudloff, Camp Hutchins Director, also addressed the City Council providing additional information regarding the program.

The following After School Program Options were presented for the City Council's perusal:

Option 1 - Traditional Recreation Program

- Five City sites
- Afternoon 3 p.m. - 5.p.m.
- Playground Games
- \$1.00/day; \$5.00/week - No reduced sibling rate
- Informal drop-in
- No Limit on size, outdoor only

Option 2 - After School - No Snack

- Five City school sites
- Afternoons 2:45 p.m. - 6 p.m.
- Games and homework time
- \$2.50/day \$12.50/week - No sibling rate
- Maximum 40 kids
- No guarantee on located space
- No Lake trips
- 1/20 ratio

Option 3 - After School With Snack

- Five City sites
- Afternoons 2:45 p.m. - 6 p.m.
- Games and homework time
- \$3.00/day; \$15.00/week - No sibling rate
- Maximum 40 kids
- No guarantee on located space
- No lake trips
- 1/20 ratio

Option 4 - Cancel and Refer to Private Uses

- Lodi Boys and Girls Club (\$10.00 annual membership fee, otherwise free after school care)
- Creative Kids Preschool and Day Care (\$50.00/week before and after care, transportation)
- Edu-Camp Preschool (\$3.50/hour)
- La Petite Academy (\$67.00/week before and after care, transportation)
- Latchkey-Children's Center (Sliding scale, Federally funded, Transportation)

Reference: Family Resource and Referral Center

It was emphasized that the After School Program allows children to remain on site; that the School District does not charge for space or janitorial supplies; and that the City has budgeted for Options 2 or 3. Further, it was pointed out that Option 3 offers 100% recovery of direct costs.

Mayor Pro Tempore Sieglock stated that the City Council never had any intention of canceling the program and that if a snack is included the cost \$3.00 rather than \$2.50 per day.

Mayor Pennino then asked for a show of hands of parents in the audience as to whether or not they wanted their children to have a snack. The overwhelming majority indicated that they did.

Mamie Starr, Administrative Director, Facilities and Planning, Lodi Unified School District addressed the City Council advising that the School District is willing to work with the City on this program, but with the general understanding, if there is a competing problem, there is no guarantee. Mrs. Starr reiterated that it is on a space available basis.

Mayor Pro Tempore Sieglock stated that there really is a partnership between the School District and the City of Lodi. This program would not survive if the school district did not provide the facilities – it is not simply a City program.

Mayor Pennino stated that the City does want to keep the program, but with 100% funding.

The following persons addressed the City Council regarding the matter:

1. Susan Bjork, 1230 S. Hutchins Street, Lodi who indicated that she is an employee of the Lodi Parks and Recreation Department. She stated that she is glad that the City is not canceling the program. She stated that she is concerned about the level of staffing and feels a part-time person should be considered. If this was done, the presently budgeted dollars could be used for something else.
2. Sharon Tison, 713 Carolina Street, Woodbridge stated that she feels that this is a valuable program that should be continued. She checked with the other agencies listed in Option 4 and found that only one agency had space available and that was on a waiting list. She also stated that the Boys and Girls Club is not a "sign-in and sign-out" program and that she didn't feel that this was a positive program for small children.

3. Karen Dibble, 2224 Capell Drive, Lodi spoke in favor of continuing the program.
4. Cathy Richardson, 1107 Devine Drive, Lodi stated that she is glad Option 4 as presented was not an option. She added that she would like to see the program cross the line to being in a profit mode.
5. Melissa Ishida, 19496 Meadow View Drive, Woodbridge stated she supported the program and presented petitions she stated contained the signatures of approximately 70% of parents whose children are involved in the program.
6. Janie Hickok Siess, 1765 Cape Cod Circle, Lodi stated that she was relieved to hear that the City Council supports the program and would hope the Council would vote for either Option 2 or 3. She added that she feels that staff takes great care of the kids.
7. Ron Bernasconi, 312 Evergreen Drive, Lodi stated that he feels that the City should maintain and expand the program. He stated that he felt the children aren't as well cared for as they used to be. He stated that the program was designed to meet the needs of working parents and that this is a prime example of how Government should work. He stated that he feels the City should reconsider its thinking that the program should be 100% funded. Mr. Bernasconi stated that he felt a lot of parents were here tonight because of misinformation or no information.
8. Lynn Condley, 2155 Debbie Lane, Lodi indicated her concern that the program should be under the direction of the Parks and Recreation Department. She feels that it is an after school program for children. Further, she stated that she was the After School Coordinator for the program, and when the program was transferred to be under the direction of the Community Center, her position was eliminated. She questions why the City is now looking to hire personnel.
9. Yolanda Bernasconi, 312 Evergreen Drive, Lodi stated that she would echo her husbands comments. She also stated that she would only support the program if a community committee could review how the program dollars are being spent and made some disparaging comments about staff. Mrs. Bernasconi also presented petitions supporting the continuation of the program.
10. Tony Segale, P. O. Box 1027, Lodi spoke indicating his support of the program and urged that the program continue to provide a snack for the children. He stated that he feels it should go back to being under the direction of the Parks and Recreation Department and that the City should subsidize the program.
11. Cheryl Daijogo, 457 E. Augusta Street, Woodbridge spoke of the drug problem facing our children today and stated that she feels that this program provides a safe environment. She stated that she would support Option 3 and would encourage giving the children a snack.
12. Lolita Arain, 1909 Carmel Circle, Lodi stated that she is the working mother of two children and indicated one of the reasons they moved to Lodi was this program. She feels this is a very valuable program and supports Option 3.
13. Bob Johnson, Parks and Recreation Commission stated that the Parks and Recreation Commission discussed this matter at their meeting the night before and that they strongly support the program and would strongly encourage some sort of subsidizing of the program.

Mayor Pennino indicated that the City Council had received a letter from Sue Ducato who supported the program and complimented the staff.

Council Member Warner indicated that he doesn't know if the City should be in a baby-sitting program. He stated his concern for dollars that had been spent on the Boys and Girls Club. Council Member Warner stated that this is a day care program and he doesn't feel that it is a recreation program. He stated that he feels that it is an excellent program; however, he doesn't think that he should be obligated to subsidize day care and finally indicated his preference for Option 3.

Council Member Land indicated that he feels that it is his responsibility to support youth programs and feels that this program is a great program. He feels that we must maintain and build this program and that it is programs like this that make Lodi a special place to live. Council Member Land indicated that consideration should be given to put it back under the directions of the Parks and Recreation Department. He stated that if there is a problem with staff, it's the Council's fault, because it gives direction to staff. He stated that he never mentioned that he wanted to cancel the program, if anything, it should be expanded.

Mayor Pro Tempore Sieglock feels that the Boy's and Girl's Club is a great program and stated that he felt some of its successes were pointed out this evening. He agrees that younger kids should not be mixed with older children. He stated that he feels this program is a bargain and a terrific benefit.

Mayor Pennino stated that he would like to see the City out of this program and that he feels that the churches in the area should be doing this. The Mayor indicated that he had met with several Pastors in the community and they are interested. He indicated that they should receive 100% funding and believes that there would be a waiting list.

City Manager Dixon Flynn stated that this evenings comments have not gone unnoticed and that he feels that the program should be adequate and meet the needs of the children. He further stated that he is concerned about the waiting list and feels that the City needs to do what it can to meet those needs.

Council Member Mann asked that the City Manager look into the reasons for a waiting list and stated that he doesn't feel that there should be a waiting list. Council Member Mann stated that he feels that the program should be expanded to meet the needs.

FILE NO. CC-40

Recess:

Mayor Pennino declared a 10 minute recess, and the City Council reconvened at approximately 9:25 p.m.

- b) The City Council, following review of the matter, on motion of Council Member Mann, Warner-second, authorized staff to proceed with planning the Lodi Central City Railroad Safety Improvement Project.

City Engineer Richard Prima introduced the matter advising the City Council that the San Joaquin County Transportation Sales Tax Measure K, includes a category for railroad safety improvements which consists of grade separations. Lodi's only project in this category was Lodi Avenue at the Southern Pacific tracks in Downtown. At its April 2, 1997 meeting, The City Council determined not to proceed with this project due to its impacts on downtown and high cost. (Less than half of the project cost would be covered by the \$3.9 million Measure K allocation.) Staff was directed to work on finding another project that would retain this funding for Lodi. If no alternative is found, the funds will be used elsewhere in the County.

Staff has prepared a comprehensive project which they feel meets the spirit of the Measure K ordinance and will be looked upon in favor by the majority of Lodi residents. The core of the project is the removal of The Central California Traction Company tracks in Lodi Avenue and Main Street and replacement of that rail service on the Southern Pacific Kentucky House Branch which runs parallel to Lockeford Street. To implement the project, the City needs to do the following:

1. submit the project to the San Joaquin County Council of Governments and obtain their approval, which will entail amendments to the Measure K expenditure and strategic plans
2. negotiate project details and cost sharing with the railroads
3. perform environmental review
4. determine project phasing
5. do preliminary design work

Mr. Prima then presented the following additional information regarding the matter:

Project Objective: To improve vehicle, bicycle and pedestrian safety and convenience where these travel modes interact with railroad tracks while maintaining railroad service to existing and future businesses.

Project Description: The project consists of the removal of Central California Traction Company tracks presently located within streets, improving those streets, providing rail service along the unused Union Pacific (formerly Southern Pacific) Kentucky House Branch, and making various improvements to the Branch and adjacent streets.

Project Specifics: The project will:

1. remove a mile of railroad tracks that presently run parallel with traffic within Lodi Avenue and Main Street
2. eliminate fifteen locations where railroad tracks cross travel lanes at a skewed angle or street intersections
3. repave the streets and install lighting, drainage, curb, gutter, and sidewalk where the tracks are removed
4. install rubberized rail crossing surfaces at fifteen street crossings
5. install a protected pedestrian crossing of the Kentucky House Branch between Calaveras Street and Central Avenue
6. install frontage improvements - fencing, curb, gutter, sidewalk and lighting along unimproved railroad frontage; and
7. improve Lockeford Street along the Kentucky House Branch.

Project Budget: \$6,115,000

Project Funding: Measure K
City of Lodi
Union Pacific Railroad

Various diagrams and a Preliminary Budget Summary were presented by the Mr. Prima for Council's perusal.

Discussion followed with questions being directed to Mr. Prima

Mr. Richard Blackson, San Joaquin County Council of Governments (COG) Citizens Advisory Committee addressed the City Council indicating that he supported the proposal.

Mrs. Tracy Jenkins, 730 Calaveras Street, Lodi addressed the City Council stating the area of Stockton Street and Lockeford Street is very dangerous.

Several Council Members indicated that the staff did an outstanding job in formulating this proposed project and asked how the City would come up with the match. Mr. Prima indicated that the City has about three years to come up with the dollars and suggested several scenarios.

Council Member Mann asked if there was a time frame that this must be done, and Mr. Prima indicated that the City would have some latitude.

Mayor Pennino recommended that the money be used as soon as possible as he would like to see these funds tied up.

FILE NO. CC-7 (n)

10. ORDINANCES

- a) Ordinance No. 1648 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 17 - Zoning, Chapter 17.57, Thereby Adding Sections 17.57.170, 17.57.180 and 17.57.190 Relating to General Regulations and Exceptions" having been introduced at a regular meeting of the Lodi City Council held May 21, 1997 was brought up for passage on motion of Council Member Mann, Warner 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

Prior to adopting Ordinance No. 1648, Tracy Jenkins, 730 Calaveras Street, Lodi addressed the Council stating that she feels this ordinance violates their constitutional rights and that its implementation would affect them seriously financially. She stated that they would need to purchase another vehicle. Further, Mrs. Jenkins stated that one reason they opted to purchase their home was so that they could park their big rig there. She indicated that she understands that there had been 12 complaints regarding situations of this kind in the last year and that she doesn't feel that number should merit the passage of this ordinance. She stated that she doesn't feel this is an appearance issue.

Mayor Pro Tempore Sieglock asked Mrs. Jenkins if she uses the rig to go to the grocery store, and she responded that it is just used for commercial purposes.

Council Member Mann stated his concern about the Jenkins family suffering a financial loss. He stated that he feels that the adoption of the ordinance is the right thing to do and that the vast majority would vote to enforce it. He further stated that most people don't like that type of vehicle parked in their neighborhoods. Council Member Mann stated that he has been assured that if the ordinance is passed that it will be enforced on a complaint basis only and that he hoped this would remedy the situation. Further, he suggested that the Jenkins contact their neighbors to try to work it out.

Community Development Director Konradt Bartlam stated that he has spoken with Mrs. Jenkins and will try to work with her to resolve the matter.

Following an inquiry by Mayor Pro Tempore Sieglock, Mr. Bartlam indicated that at the last City Council meeting when the ordinance was introduced, he was given direction by the Council not to implement the ordinance for one year.

FILE NO. CC-53 (a)

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Mr. George DeCota, 1419 Lake Street, Lodi addressed the City Council regarding a neighbors RV that is parked next to his driveway and stated that he is concerned about the safety of citizens walking down the sidewalk in the area. Mr. DeCota gave a brief history of the problem and stated that now that he has done some revamping on his property, the problem has exaggerated. Mr. DeCota presented pictures of the problem for Council's perusal.

Community Development Director Bartlam stated that he had spoken with Mr. DeCota and cannot find any violations; however, he feels there is a safety issue. He has attempted to talk to Mr. DeCota's neighbor, but has been unable to reach him by telephone. Mr. Bartlam then discussed the 45% rule regarding asphalt or concrete paving in a front yard and indicated that Mr. DeCota's neighbor is completely within his rights.

The City Council referred the matter to staff to see if the problem could be resolved.

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

- a) Council Member Warner stated that he had gone to the Vines to Wines function on Sunday, stating that it was very well done. He indicated that the Convention and Visitors Bureau were involved, and the event included five wineries, and consisted of tasting and education. He stated that it was a great event.
- b) Mayor Pro Tempore Sieglöck stated that he had read about the Parks and Recreations struggle regarding the basketball court/s at Legion Park and asked that the matter be on the June 18, 1997 agenda for discussion.
- c) Mayor Pennino indicated that he had attended a meeting today hosted by the San Joaquin Partnership where it was announced that American Eagle flights may be coming to the Stockton Airport. Mayor Pennino asked that a letter of support be sent.
- d) City Manager Flynn indicated that he had received a FAX today indicating that the California Code Administrator submitted to the California Public Utilities Commission an area code relief plan for the 209 area code. The plan recommends that the northern half of the existing 209 area code retain the 209 number.

The Administrator cited several reasons for the decision. Included in those reasons are the location of Medic Alert in Turlock, the number of wireless customers in the northern region, as well as the north's interaction with other surrounding area codes.

13. CLOSED SESSION

Mayor Pennino adjourned the City Council meeting at 10:00 p.m. to a Closed Session to discuss the following matter:

- a) Labor Relations - United Firefighters of Lodi (UFL) - Negotiator: Human Resources Director Joanne Narloch

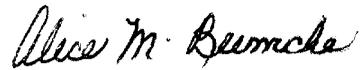
14. RETURN TO OPEN SESSION/DISCLOSURE OF ACTION

Mayor Pennino reconvened the City Council Meeting at approximately 10:35 p.m. and indicated no action had been taken by the City Council in the matter.
FILE NO. CC -200 (a)

15. ADJOURNMENT

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

ATTEST:



Alice M. Reimche
Acting City Clerk