

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 3, 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, City Attorney Hays and City Clerk Reimche

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. ANNOUNCEMENT

Mayor Pennino informed the public that the Public Hearing regarding the request for waiver of the Development Impact Mitigation Fees for Parks and Recreation facilities for 409, 511, 519 and 527 South Orange Avenue was withdrawn at the request of the proponent, Dr. Gordon Roget.

5. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Pennino presented Certificates of Appreciation to Dennis Lewis with Adopt-A-Child and to Joey Zucchelli, Store Manager, with Lodi Mervyns for the successful August 9, 1997 Back to School Child Shopping Spree.
 - b) Mayor Pennino presented the California Municipal Treasurers Association (CMTA) Annual Investment Policy Award to Revenue Manager Maxine Cadwallader.
FILE NO. CC-21(a)
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6. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$1,694,331.92 and Disbursements Through Wire Transfers in the amount of \$226,987.59.
FILE NO. CC-21(a)
- b) The minutes of August 20, 1997 (Regular Meeting) were approved as amended.

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- c) Approved the specifications and advertisement for bids for one 225KVA, one 300KVA, and three 1500KVA three-phase padmount transformers.
FILE NO. CC-12.1(b)
- d) Adopted Resolution No. 97-127 rejecting the bid for White Slough Water Pollution Control Facility Sludge Lagoon Biosolid Removal.
FILE NO. CC-12(b) AND CC-300
- e) Adopted Resolution No. 97-128 awarding the purchase for 384 electric watt-hour meters to the low bidder, Ace Supply Company of Emeryville, in the amount of \$11,150.83.
FILE NO. CC-12(d) AND CC-300
- f) Adopted Resolution No. 97-129 authorizing the sole-source purchase of a Smith & Loveless, Inc. factory-built automatic wastewater pump station at a total cost not to exceed \$70,000, appropriated an additional \$20,000, and authorized advertisement for installation bids.
FILE NO. CC-12(a) AND CC-300
- g) Approved an amendment to the Consolidated Plan to reflect the change in project description from Van Buskirk Park Americans With Disabilities Act (ADA) to Van Buskirk Park Improvement, enabling staff to proceed with this project.
FILE NO. CC-27(c) AND CC-55
- h) Agenda item #E-8 entitled, "Contract Award for Van Buskirk Park Improvement Project" was pulled from the agenda pursuant to staff's request.
- i) Adopted Resolution No. 97-131 approving the destruction of certain records retained by the City Clerk's office.
FILE NO. CC-6 AND CC-300
- j) Adopted Resolution No. 97-132 approving the destruction of certain records retained by the Public Works Department.
FILE NO. CC-6 AND CC-300
- k) Approved the Economic Development Power Supply Contract between the City of Lodi and Arkay Industries, Inc. and authorized the City Manager to execute the agreement on behalf of the City.
FILE NO. CC-51(d) AND CC-90
- l) Adopted Resolution No. 97-133 authorizing the City Manager to execute the Transit/Link Transfer Agreement between the County of Sacramento and the City of Lodi.
FILE NO. CC-50(a), CC-90 AND CC-300
- m) Adopted Resolution No. 97-134 amending Section 2(c) of Traffic Resolution No. 87-163 by approving four-way stop control at Lockeford Street and Stockton Street.
FILE NO. CC-48(h) AND CC-300
- n) Agenda item #E-14 entitled, "Approve Request for Proposals (RFP) for purchase and installation of advisory radio system" was pulled from the agenda pursuant to staff's request.
- o) Adopted Resolution No. 97-135 setting fees of \$10.00 for each first returned check and \$25.00 for each subsequent returned check, as provided by AB2643 effective January 1, 1997.
FILE NO. CC-21(a), CC-56 AND CC-300

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- p) Adopted Resolution No. 97-136 setting fee of \$10.00 for each Business Tax Duplicate Certificate, and no charge for each Business Tax Branch Establishment Certificate and Change of Location Business Tax Certificate.
FILE NO. CC-21(a), CC-56 AND CC-300
- q) Authorized the issuance of subpoenas based upon the recommendation of Contamination Advisory Committee.
FILE NO. CC-4(a) AND CC-6
- r) Appropriated \$120,000 for Thurman Street railroad crossing improvements and authorized payment to Central California Traction Company (CCT) for installation of crossing gates.
FILE NO. CC-6, CC-7(h) AND CC-48(c)

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, the following occurred in the matter of Public Hearing to consider request from Gordon B. Roget, M.D. for waiver of Development Impact Mitigation Fees for Parks and Recreation facilities for 409, 511, 519 and 527 South Orange Avenue.

Mayor Pennino announced at the beginning of the meeting, that pursuant to the verbal request of Dr. Gordon B. Roget the subject Public Hearing was withdrawn.
FILE NO. CC-6, CC-27(c) AND CC-56

- b) 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 request of Joseph K. Handel to amend Planned Development No. 17 to include on-sale alcohol as a permitted use in addition to the C-S zone at the existing development located at 116 West Turner Road.

Community Development Director Bartlam advised that the applicant wants to continue operating a pre-existing neighborhood bar at 116 West Turner Road in the Rivergate Plaza Shopping Center. At the same time, the applicant is proposing to add approximately 1,100 square feet of space to accommodate pool tables, darts, and games, as well as a kitchen, enabling them to serve an occasional buffet meal to customers.

The Planning Commission, at its meeting of July 28, 1997, was asked to approve an amendment to PD 17 allowing on-sale alcohol as a permitted use. The motion which was ultimately passed on a 5 to 2 vote, was to recommend to the City Council that the amendment be approved with the caveat that such uses be subject to a Use Permit. This means that if the amendment is approved by the City Council, the applicant will be required to, again, return before the Commission for a Use Permit. Both staff and the Commission are in agreement on this condition; therefore, staff recommended approval of the amendment.

Hearing Opened to the Public

Speaking in favor of amending Planned Development No. 17 to include on-sale alcohol as a permitted use in addition to the C-S zone at the existing development, located at 116 West Turner Road were:

1. Joseph Handel, 1826 West Kettleman Lane, Lodi;

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2. Kristen Younkin, present owner and now calling the business Sky's, 116 West Turner Road, Suite D, Lodi; and
3. William Condon, inactive owner of The Buckstop. Mr. Condon sold the business to his daughter Kristen Younkin. Mr. Condon gave his address as 25283 Bruella Road, Lodi.

Public Portion of Hearing Closed

Following an inquiry by Mayor Pennino, Police Chief Hansen stated that The Buckstop had operated in the past with very few problems.

Discussion followed with questions being directed to staff regarding the matter and the merits of requiring a Use Permit.

ACTION:

The City Council, on motion of Council Member Land, Warner second, unanimously adopted Resolution No. 97-130 approving the request of Joseph K. Handel to amend Planned Development No. 17 to include on-sale alcohol as a permitted use with a Use Permit, in addition to the C-S zone at the existing development located at 116 West Turner Road. Such an amendment would permit a bar as a legal use at this location subject to obtaining a Use Permit from the Planning Commission.
FILE NO. CC-6, CC-53(a) AND CC-300

8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Warner, Mann second, unanimously rejected the following claims:
 1. Brooke Cunningham, date of loss 9/27/96
 2. Edmundo J. Mendoza, date of loss 3/23/97
 3. Fred Mehlhaff, date of loss 5/2/97
 4. Lorenzo Jones, date of loss 7/5/97
FILE NO. CC-4(c)
- b) City Clerk Reimche read the following ABC Licenses:
 1. Me N' Ed's Pizza Parlor, Kettleman Lane & Lower Sacramento Road, Lodi, On-Sale Beer and Wine, Original License;

Council Member Land requested that the City Clerk obtain additional information from the Department of Beverage Control regarding this license.
 2. Lidia F. and Otilia F. Gutierrez, Ritmos, 112 South Cherokee Lane, Lodi, On-Sale Beer and Wine, Original License; and
 3. Kam Wing Dwan and Judy Chu Leung, Chef Wayne Restaurant, 429 West Lockeford Street, Lodi, On-Sale Beer and Wine, Person to Person Transfer.
FILE NO. CC-7(f)

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- c) The following report was presented to the City Council:
 - 1. Planning Commission report of August 25, 1997
FILE NO. CC-35(c)
- d) The City Council, on motion of Council Member Mann, Warner second, unanimously made the following appointment to the Information Technology Committee:

Information Technology Committee

Mark Vilinskas, Lodi Unified School District (LUSD) Representative
FILE NO. CC-2(a)

- e) The City Council, on motion of Council Member Warner, Land second, unanimously made the following appointments to the recently created Year 2000 Steering Committee:

Year 2000 Steering Committee

Myrna Wetzel
Dorean Rice
Erin Ianni
Evelyn Olson
Cynthia Haynes
Robert Lechner
Joanne Mounce
Parks and Recreation Commission Representative
Senior Citizens Commission Representative
Lodi Arts Commission Representative
Greater Lodi Area Youth Commission Representative
City Clerk Reimche, Staff Liaison

FILE NO. CC-2(a)

9. **REGULAR CALENDAR**

None.

10. **ORDINANCES**

None.

11. **MEETING OF THE LODI PUBLIC IMPROVEMENT CORPORATION**

Mayor Pennino adjourned the City Council meeting. President Pennino then called the meeting of the Lodi Public Improvement Corporation to order. The roll was recorded by the City Clerk. Following discussion, the Directors, on motion of Director Sieglock, Warner second, unanimously adopted Resolution No. 97-2 electing the following officers to the Lodi Public Improvement Corporation:

President - Phillip A. Pennino
Vice President - Jack A. Sieglock
Treasurer - Vicky McAthie
Secretary - Alice M. Reimche

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There being no further business to come before the Corporation, President Pennino adjourned the meeting. Mayor Pennino then reconvened the City Council meeting.
FILE NO. CC-190 AND CC-300

12. MEETING OF THE INDUSTRIAL DEVELOPMENT AUTHORITY

Mayor Pennino adjourned the City Council meeting. Chairperson Pennino then called the meeting of the Lodi Industrial Development Authority to order. The roll was recorded by the City Clerk. Following discussion, the Authority, on motion of Authorizing Member Sieglock, Warner second, unanimously adopted Resolution No. IDA-15 amending Resolution No. IDA-14 by electing the following new officers to the Industrial Development Authority:

Chairperson - Phillip A. Pennino
Vice Chairperson - Jack A. Sieglock
Secretary - Alice M. Reimche
Treasurer - Vicky McAthie

There being no further business to come before the Corporation, Chairperson Pennino adjourned the meeting. Mayor Pennino then reconvened the City Council meeting.
FILE NO. CC-60 AND CC-300

13. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

There was no one wishing to speak under this segment of the agenda.

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

- a) Mayor Pennino commended Habitat for Humanity for its recent completion of another house and for the merits of their outstanding program.

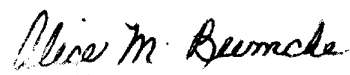
Further, Mayor Pennino informed the public of the recent action taken by the San Joaquin County Council of Governments (COG) in which it amended the Measure K Expenditure Plan to allow substitution of Lodi's proposed Rail Safety Improvement Project in place of the Lodi Avenue/Southern Pacific Grade Separation Project and approved a \$4 million allocation to the project. Mayor Pennino commended City Engineer Prima for his hard work and efforts in this matter.
FILE NO. CC-6 AND CC-7(n)

- b) City Manager Flynn thanked Community Center Director Lange for an outstanding Field and Fair Day.

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 7:45 p.m.

ATTEST:



Alice M. Reimche
City Clerk