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CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JANUARY 17, 1996
7:00 P.M.

1. ROLL CALL

Present: Council Members - Davenport, Mann, Pennino, Sieglock and Warner (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Acting Assistant City Manager/Public Works Director Ronsko, Community Development Director Schroeder, Finance Director McAthie, 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 Warner.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Steven Crabtree with the Kiwanis Club of Greater Lodi presented Mayor Warner with a check in the amount of \$1,500 as payment towards the Lodi Lake Park playground equipment. Mayor Warner thanked the Kiwanis Club and all of the service clubs in the City for the work that they do for this community. Mr. Crabtree announced they are working on an upcoming event which will be held in May in conjunction with the Youth Commission.
FILE NO. CC-6 AND CC-11

5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$3,193,394.35.
FILE NO. CC-21(a)
- b) The Minutes of January 3, 1996 (Regular Meeting) were approved as written.
- c) Authorized the sale of scrap wire and metal at periodic intervals during the calendar year 1996.
FILE NO. CC-20 AND CC-47
- d) Adopted Resolution No. 96-02 awarding the bid for the purchase of 116 high-pressure sodium luminaires to the low bidder, Ace Supply Company of Emeryville, in the amount of \$9,749.22.
FILE NO. CC-12(d) AND CC-300

Continued January 17, 1996

- e) Adopted Resolution No. 96-03 awarding the bid to produce and deliver printed envelopes, as required by the City during calendar year 1996, to the low bidder, Vanier Business Forms and Services of Stockton, in the amount of \$14,663.43.
FILE NO. CC-12(d) AND CC-300

- f) Agenda item #E-6 entitled, "Acceptance of improvements under Granular Activated Carbon Filter Systems for Wells 4R, 22 and 23 contract" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport.)

- g) Adopted Resolution No. 96-04 approving the revised class specification for Accounting Technician and the reallocation of one Account Clerk position to Accounting Technician.
FILE NO. CC-34 AND CC-300

- h) Agenda item #E-8 entitled, "Set Public Hearing for February 7, 1996 to:
 - 1. Consider the request of Dale Gillespie on behalf of Geweke Properties for a General Plan Amendment to redesignate a portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23) from PR, Planned Residential and NCC, Neighborhood-Community Commercial to LDR, Low Density Residential and NCC, Neighborhood-Community Commercial
 - 2. Consider the request of Dale Gillespie on behalf of Geweke Properties to prezone a 19.7 acre portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23), C-S, Commercial Shopping and a 17.3 acre portion of those parcels R-2, Single-Family Residential
 - 3. Certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects"

was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Pennino.)

- i) Agenda item #E-9 entitled, "Set Public Hearing for February 7, 1996 to:
 - 1. Consider the request of Lori W. McIntosh on behalf of Southwest Associates to prezone the 21.46 acre parcel at 630 East State Route 12 (APN 058-030-02) to C-S, Commercial Shopping
 - 2. Certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project"

was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Pennino.)

- j) Set Public Hearing for February 21, 1996 to consider amending Lodi Municipal Code Chapter 13.12 (Sewer Service) to add "Bakery" to Commercial categories.
FILE NO. CC-44

6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Following discussion regarding acceptance of improvement under Granular Activated Carbon Filter Systems for Wells 4R, 22 and 23 contract, Council Member Pennino made a motion, Warner second, to continue the matter to the February 7, 1996 City Council meeting. The motion **failed** by the following vote:

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

Further, the City Council, on motion of Council Member Mann, Sieglock second, unanimously accepted the improvements under the "Granular Activated Carbon Filter Systems for Wells 4R, 22 and 23" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office. Further, staff will prepare a report to the City Council and the press in response to Council Member Davenport's concerns regarding the contract and the work that was done, or in Mr. Davenport's opinion, not done.

FILE NO. CC-6 AND CC-90

- b) The City Council, on motion of Council Member Pennino, Sieglock second, unanimously took the following actions:

1. Set Public Hearing for February 7, 1996 to:

- a. Consider the request of Dale Gillespie on behalf of Geweke Properties for a General Plan Amendment to redesignate a portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23) from PR, Planned Residential and NCC, Neighborhood-Community Commercial to LDR, Low Density Residential and NCC, Neighborhood-Community Commercial;
- b. Consider the request of Dale Gillespie on behalf of Geweke Properties to prezone a 19.7 acre portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23), C-S, Commercial Shopping and a 17.3 acre portion of those parcels R-2, Single-Family Residential; and
- c. Certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects.

2. Set Public Hearing for February 7, 1996 to:

- a. Consider the request of Lori W. McIntosh on behalf of Southwest Associates to prezone the 21.46 acre parcel at 630 East State Route 12 (APN 058-030-02) to C-S, Commercial Shopping; and
- b. Certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.
 FILE NO. CC-8(a)

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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 Warner called for the Public Hearing to consider application from Kenneth J. Kallman, 2248 Newbury Circle, to operate a vehicle for hire (limousine) within the City of Lodi.

Hearing Opened to the Public

- 1. Kenneth Kallman, 2248 Newbury Circle, Lodi, spoke in support of his request to operate a limousine service and the need for this type of service in the City of Lodi, noting most existing limousine businesses are in Stockton and Sacramento. Mr. Kallman will offer a full service with package deals for different events; and
- 2. Eric Schneider, Vintage Limousine, 1132 South Mills Avenue, Lodi, spoke in opposition to granting the requested operator's permit. Mr. Schneider has been in business for nine years in the City of Lodi, and he can speak from experience that it is not easy to operate this type of service. Trying to create business in Lodi can be very interesting. Mr. Schneider feels his service is adequate for the needs of the City of Lodi at this time. Further, he feels the year of the automobiles proposed by Mr. Kallman are not up to safety standards.

Public Portion of Hearing Closed

ACTION:

Council Member Sieglock made a motion, Davenport second, to approve the request and ordered the City Clerk, by Resolution No. 96-05, to issue a permit to Kenneth J. Kallman to operate a limousine service within the City of Lodi. The motion **failed** by the following vote:

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

Mayor Warner stated for the record that the reason he voted "No" on this matter was not to stop competition; however, the subject ordinance needs to be corrected to allow fair competition for the service listed under the code.

Council Member Davenport stated for the record that he too would like to see the ordinance changed to allow competition.

Further, it was suggested that, to expedite this matter, staff place on the next agenda the setting of the public hearing to discuss amending Lodi Municipal Code Chapter 5.24 "Taxicabs and Other Vehicles for Hire".
FILE NO. CC-6 AND CC-33

8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Mayor Warner, Pennino second, unanimously rejected the following claim:
 - 1. Duane Roth, date of loss 9/22/95
FILE NO. CC-4(c)

- b) City Clerk Perrin read the following ABC Licenses:
1. Walter and Hong Plattel to Inderjeet and Baljit Kang, Quik Stop Market #148, 205 West Lockeford Street, Lodi, Off-Sale Beer and Wine, Person to Person Transfer;
 2. Kenneth and Karen Paige, Lakewood Chevron, 236 North Ham Lane, Lodi, Off-Sale Beer and Wine, Original License;
 3. Beverly Vosburgh to Pargat Singh and Santokh Gill, B.J.'s, 548 South Sacramento Street, Lodi, On-Sale Beer and Wine, Person to Person Transfer, and
 4. Elizabeth Rodriques and Bruce Wickland, Richmaid Restaurant, 100 South Cherokee Lane, Lodi, On-Sale Beer and Wine, Original License.

Council Member Davenport commented that he was opposed to "original licenses" being issued in Lodi, because there are enough throughout the City, some of which cause substantial problems with crime.

FILE NO. CC-7(f)

- c) The following report was presented to the City Council:
1. Planning Commission report of January 8, 1996
FILE NO. CC-35(c)
- d) The City Council, on motion of Council Member Sieglöck, Davenport second, unanimously made the following reappointments/appointments:

East Side Improvement Committee

Stacey Moore-Warner

Mosquito Abatement District

Robert S. Fuller

FILE NO. CC-2(e) AND CC-2(s)

- e) The City Council, on motion of Council Member Pennino, Warner second, unanimously directed the City Clerk to post for the following expiring terms:

East Side Improvement Committee

Virginia Lahr	Term to expire March 1, 1996
Kevin Suess	Term to expire March 1, 1996
Richard Woolstrum	Term to expire March 1, 1996

FILE NO. CC-2(s)

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9. REGULAR CALENDAR

a) The City Council received for filing the following reports and financial statements submitted by KPMG Peat Marwick LLP and the Finance Department for Fiscal Year 1994/95:

- The Combined Annual Financial & Single Audit Report
- The Management Letter
- The SAS 61 Report (Report to the City Council)
- Agreed Upon Procedures - Appropriations Limitations
- Agreed Upon Procedures - Investments

Finance Director McAthie, Accounts Manager Paiste, Senior Account Clerk Wadlow with the City of Lodi and Diane Manning and Pam Scott with KPMG Peat Marwick LLP were commended for the long hours and hard work they put in on preparing these documents.

Speaking on the matter were the following persons:

1. Diane Manning with KPMG Peat Marwick presented an overview of the Annual Financial Report and Single Audit for fiscal year 1994/95. Further, the City has received awards in the past for their documents and we expect the City to receive its third award; and
2. Pam Scott with KPMG Peat Marwick presented an overview of the Management Letter.

City Manager Flynn will prepare a report to the City Council as a response to the recommendations made by Peat Marwick in its Management Letter.
FILE NO. CC-21(b)

10. ORDINANCES

None

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

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

a) Council Member Davenport thanked everyone for coming to the meeting and stated he would like to see more people attend. Mr. Davenport commented on the following matters: 1) Reminded everyone to be ever mindful of gangs, and to always know where your kids are, what they are doing and where they are; 2) Indicated his support for a police substation on the east side of town which he will express in a letter to the City Council. The very presence of it on the east side would be good, because there has been no decrease in crime. The Police Chief is currently working on a Street Crimes Unit, and Mr. Davenport hopes it will include bicycle cops; 3) Read an article in the newspaper that softball fees are going to drop from \$380 to \$325 and that there are only 10 fast pitch teams. Mr. Davenport is glad to see that the fees will drop. They should not be raised to the point that people will not play or participate; 4) Expressed his belief that the people responsible for the PCE and TCE in the City of Lodi should be the ones to clean up and should also be cited. The Lodi News Sentinel should be cited and their interests checked out at their old building where the Finance Department is now located; 5) Complained that

the Lodi City Newsletter should contain only City news and not news about private businesses. If the City advertises for one private business it should do it for all; however, he would like to see it stopped; and 6) Informed the public that the Financial Audit Report is available to the public for review, a copy of which is at the Library.
FILE NO. CC-6, CC-40, CC-56 AND CC-152

- b) Council Member Pennino announced that on February 5, 1996 from 5:30 p.m. to 7:30 p.m. the San Joaquin Rail Commission will have a meeting at the Carnegie Forum to discuss rail issues and how it relates to the City of Lodi. The public and the Council are invited to attend. Assemblyman Bowler and Senator Johnston will be there to answer questions. Council Member Pennino also commended the Parks and Recreation Department on its winter newsletter regarding various sports and activities. Further, Mr. Pennino thanked the Lodi News Sentinel for the monthly youth edition in the paper; and commended the teenagers for writing the reports.
FILE NO. CC-6 AND CC-7(h)
- c) City Manager Flynn informed the City Council of upcoming Shirtsleeve Sessions: January 23, 1996 Council will discuss the redistribution of functions between Parks and Recreation and the Community Center (Hutchins Street Square) and will review the City Manager; and January 30, 1996 Council will hear a presentation regarding a public opinion poll for the City Lodi. Mr. Flynn commented on a few articles: there was a write up in *Public Power Weekly* where Electric Utility Director Vallow and the Electric Utility Department were recognized for their assistance to PG&E in a recent storm; and an article that shows the Lodi and Stockton, California areas as having the highest unemployment rates in the United States. City Manager Flynn announced he has nominated Kirk Evans for the John H. Nail Award which is given to municipal assistants who have contributed to their communities. Mr. Flynn updated the City Council that the interviews for the Community Development Director will be held on January 31, 1996, and he hopes to announce the selection in early February. Further, City Manager Flynn informed Council that City Attorney Hays and Electric Utility Director Vallow will be attending the American Public Power Association (APPA) legislative meeting in Washington D.C. next week.
FILE NO. CC-6

13. CLOSED SESSION

Mayor Warner adjourned the Council meeting to a Closed Session to discuss the following matters:

- a) Prospective acquisition of 212 West Pine Street, Lodi, the negotiating parties are the City of Lodi and Beckman Capital Corporation. Price and terms are under negotiation.
- b) Prospective lease of City property (275± acres adjacent to White Slough Water Pollution Control Facility); the negotiating parties are the California Youth Soccer Association and the City of Lodi. Price and terms of the lease are under negotiation.
- c) Threatened Litigation: Government Code §54956.9(b). One case. Potential suit by Betty Jean Eachus against City of Lodi based on pedestrian/vehicle accident.

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14. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

Mayor Warner reconvened the City Council meeting at approximately 9:26 p.m. and disclosed the following actions:

Prospective acquisition of 212 West Pine Street, Lodi, the negotiating parties are the City of Lodi and Beckman Capital Corporation. Price and terms are under negotiation

No final action.

Prospective lease of City property (275+ acres adjacent to White Slough Water Pollution Control Facility); the negotiating parties are the California Youth Soccer Association and the City of Lodi. Price and terms of the lease are under negotiation

No final action.

Threatened Litigation: Government Code §54956.9(b). One case. Potential suit by Betty Jean Eachus against City of Lodi based on pedestrian/vehicle accident

No final action.

FILE NO. CC-200(c) AND CC-200(d)

14. ADJOURNMENT

There being no further business to come before the City Council, Mayor Warner adjourned the meeting at approximately 9:26 p.m.

ATTEST:

Jennifer M. Perrin
City Clerk