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**CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 7, 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, Electric Utility Director Vallow, Finance Director McAthie, City Attorney Hays and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Jim Harvey, Lodi Community Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Warner.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Warner presented a proclamation to Mrs. Verne Hoffman of the Daughters of the American Revolution proclaiming the month of February 1996 as "American History Month".
FILE NO. CC-37
- b) Mayor Warner presented a proclamation to Julie Ballard with American Medical Response Inc. proclaiming the month of February 1996 as "American Heart Association Month". Ms. Ballard invited the City Council and the public to attend its event, An Affair of the Heart, on Saturday, February 24, at the Woman's Club of Lodi. The evening will include dinner and dancing, and the proceeds will go directly to Lodi schools for the Heart Power Program.
FILE NO. CC-37
- c) Mayor Warner presented a proclamation to Troop 199 Senior Patrol Leader, Jason Hicks, proclaiming the week of February 4 - 10, 1996 as "Boy Scout Week".
FILE NO. CC-37
- d) Mayor Warner presented a proclamation to Harvey Kessel with Crimestoppers proclaiming the month of January 1996 as "Crimestoppers Month". Mr. Kessel introduced the board members and the Police Department's program coordinator Captain Jerry Adams.
FILE NO. CC-37
- e) Mayor Warner presented a proclamation for retiring Police K-9 "Dusty" to his handler, Officer Jim Mize.
FILE NO. CC-37
- f) Heather Muser, Chairperson with the Greater Lodi Area Youth Commission, provided an update to the City Council regarding the Commission's recent activities and its various sub-committees. *The Skate Park Committee* - The skate park will open on February 17, 1996 for a one-month trial period at the Lodi Grape Bowl. *The Lodi Youth Conference Committee* - The youth conference will be held on February 28, 1996 for 9th, 10th and 11th graders at Hutchins Street Square. Discussions will be held on the interview

process, resumes, colleges, etc. Tickets will be on sale February 20 - 27, 1996 at all of the high schools. *Lodi Leadership Team Committee* – Lodi Leadership is a year-long program for 9th, 10th and 11th graders. Every month the students will learn leadership skills towards being an important member of this community. The program sessions will begin in April. *Teen Page Committee* – On January 13, 1996 the Lodi News Sentinel published for the second time, Teen Page, which is made up of articles written by teens. *Teen TV Committee* – The Committee will commit time to learn how to put together a teen TV program to possibly air on King Videocable. *Wet and Wild Program* – The Commission had a successful Wet and Wild Program last summer. Approximately 250-300 students attended the event at Lodi Lake. The Commission is now in the process of reviewing the program to see what can be improved for this year's event. *Annual Signing Party* – The Commission is also working on an Annual Signing Party, along with the Kiwanis Club of Greater Lodi, to be held at the end of the year for high school students to come together to sign year books. *Current Events Committee* – This committee is charged with keeping up on the current events in the community including the Arts Commission, Downtown Revitalization and the Lodi Police Department. Council Member Pennino congratulated Heather for having a great year and for her excellent leadership.
FILE NO. CC-2(t)

- g) Susan Holmquist with California Waste presented a report regarding the Mixed Paper Recycling Program. Fliers are being distributed this week explaining the expansion of the recycling program. Citizens will now be able to recycle materials including junk mail, colored paper and bags, construction paper, envelopes, shoe boxes, paper egg cartons, computer paper and white ledger paper (items cannot be contaminated with food, oil or paint). Anyone with questions was urged to call California Waste at 369-8274.
FILE NO. CC-22(b) AND CC-54
- h) Stan Helmle, Chairperson with the Information Superhighway Task Force, presented a report regarding the City of Lodi Internet Home Page on the World Wide Web. Lodi is the first municipally-sponsored Home Page in the county. The Home Page can be accessed at the address of <http://www.lodi.gov>.
FILE NO. CC-6

5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$3,047,215.71.
FILE NO. CC-21(a)
- b) The Minutes of January 17, 1996 (Regular Meeting) were approved as written.
- c) Approved the plans and specifications for bids for City Hall entry/plaza project and authorized advertising for bids.
FILE NO. CC-12.1(a)
- d) Approved the specifications for bids for heavy-duty lift truck (forklift) for the Equipment Maintenance Division and authorized advertising for bids.
FILE NO. CC-12.1(b)
- e) Approved the specifications for bids for day room furniture for City fire stations and authorized advertising for bids.
FILE NO. CC-12.1(c)

- f) Approved the specifications for bids for the printing and delivery of 225,000 City Utility Bill Forms, and 25,000 Delinquent Utility Bill Forms and authorized advertising for bids.
FILE NO. CC-12.1(c)
- g) Agenda item #E-7 entitled, "Purchase of Motorola secure channel radios" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Pennino.)
- h) Adopted Resolution No. 96-06 authorizing the sole source purchase of Harley Davidson Police Motorcycles.
FILE NO. CC-12(a) AND CC-300
- i) Adopted Resolution No. 96-07 awarding the contract (Bid Option 2 and Bid Alternates A and B) for White Slough Water Pollution Control Facility chain link fence to Weaver's Woven Wire of Carmichael, California, in the amount of \$39,904 and appropriated funds in accordance with the staff recommendation.
FILE NO. CC-12(a) AND CC-300
- j) Received for information only a report regarding Contract Change Orders for Civic Center Improvements (Phase II), City Hall Remodel.
FILE NO. CC-90
- k) Accepted the improvements under the "Well 3R Enclosure, 144 South Rose Street" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
FILE NO. CC-90
- l) Accepted the improvements under the "White Slough Water Pollution Control Facility Holding Pond No. 2 Embankment Rehabilitation" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
FILE NO. CC-90
- m) Agenda item #E-13 entitled, "Approve Request for Proposals for upgrading and remodeling the Public Safety Building" was pulled from the agenda pursuant to staff's request.
- n) Adopted Resolution No. 96-08 declaring weeds a public nuisance and initiating abatement proceedings on various parcels throughout the City and set the matter for public hearing at the regular City Council meeting of March 20, 1996.
FILE NO. CC-24(b) AND CC-300
- o) Adopted Resolution No. 96-09 granting permission to destroy certain police department records listed below in excess of five years of age:
- Background investigation and employment records of previous employees who have left employment with the City over five years ago (does not include retirees);
 - Background investigations of previous applicants not hired, over five years old;
 - Crime reports, incident reports and traffic reports over five years old, except for those with pending court action, and all homicide investigations;
 - Investigations of citizens' complaints over five years old.
- FILE NO. CC-6 AND CC-34

Continued February 7, 1996

- p) Set Public Hearing for February 21, 1996 to consider amendments to Chapter 5.24 of the Lodi Municipal Code dealing with Taxicabs and Other Vehicles for Hire.
FILE NO. CC-6 AND CC-33
- q) Set Public Hearing for March 6, 1996 to consider possible uses of Federal funds received through the CDBG and HOME programs for the 1996/97 fiscal year.
FILE NO. CC-6 AND CC-55

6. ACTION ON ITEMS REMOVED FROM CONSENT CALENDAR

- a) The City Council, on motion of Council Member Pennino, Warner second, unanimously adopted Resolution No. 96-05 authorizing sole source purchase of ten Motorola radios at \$19,530.93.
FILE NO. CC-12(d) AND CC-300

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 the request of Dale Gillespie on behalf of Geweke Properties for the following:
 1. Consider 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 rezoning 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
 3. Certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects.

Hearing Opened to the Public

1. Wilbur Ruhl, 265 Almond Drive, Lodi, spoke in opposition to the project. Proceeding with this project would be premature. There is available land within the City of Lodi for development, and the problem with the downtown is big box stores on the outer limits of the City. Mr. Ruhl does not see a provision for a buffer zone of at least 100 feet around the agricultural land. Mr. Ruhl further expressed his belief that the City cannot annex property without an Environmental Impact Report (EIR) and that this does not meet CEQA's requirements;
2. John Eilers, Land Utilization Alliance, Linden, also indicated that this is premature conversion of agricultural land and that the Negative Declaration is illegal with CEQA. Mr. Eilers entered into the record a document entitled, "An Econometric Model of the Fiscal Impact of Urbanization on Stockton and San Joaquin County" prepared by Phillip H. Allman, Ph.D. This annexation would cause the loss of business to downtown and there is no reason to rush into it;

- 3. Margaret Zapara, 695 East Taylor Road, Lodi, spoke against the annexation and complained that the traffic on Lower Sacramento Road is already difficult to deal with. Before any development occurs, Lower Sacramento Road should have four lanes with lights and traffic signals and urged that the access to this development be Lower Sacramento Road or Kettleman Lane, but not Taylor Road;
- 4. Ben vander Heiden, 681 Taylor Road, Lodi, spoke in opposition to the annexation. This would take business away from the downtown, would cause increased traffic and the water needs would not be met in the proposed residential development, not to mention the high DBCP levels in this area. There needs to be a buffer zone to the natural farm area. Preserving the farm land is a major issue;
- 5. Jeffrey Kirst, P.O. Box 1259, Woodbridge, a downtown property owner and a member of the downtown committee, spoke in favor of the annexation. This annexation will not be the "death nail" to the downtown, because it is the owners who must change in order to compete; and
- 6. Leland Frye, Taylor Road, Lodi, spoke in opposition to the matter. The area is already a terrible mess, the traffic is backed up and is dangerous. The farm land is worth a lot and there needs to be a buffer zone. Who is to say where this will stop – control the growth. Lodi's soil is the most precious in the world.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Pennino, Warner second, approved the recommendation of the Planning Commission to proceed with the 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; 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; to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the projects; and to incorporate the findings of the Planning Commission shown below by the following vote:

- 1. That the Plot Plan (LMC 17.30.100) and Development Schedule (LMC 17.30.100) are not approved at this time;
- 2. That the Plot Plan and Development Schedule are held in abeyance until such time that the City Council, Planning Commission and property owners have agreed on a new zoning classification which will outline the permitted uses; and
- 3. That the approval is with the understanding that future development will conform and be consistent with the plans and policies of the Downtown Revitalization Plan.

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

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Further, the Lodi City Council, on motion of Council Member Pennino, Warner second, introduced the ordinances shown below by the following vote:

1. Ordinance No. 1622 entitled, "An Ordinance of the Lodi City Council Amending the Land Use Element of the Lodi General Plan by redesignating the Parcels Located 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"; and
2. Ordinance No. 1623 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Prezoning the Parcels Located at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23) to C-S, Commercial Shopping and R-2, Single-Family Residential, With a Condition Relating to School Facilities Funding".

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

Council Member Davenport stated for the record that he opposes and contests the certifying of the Negative Declaration by the Community Development Director as adequate environmental documentation, and further would like the City Attorney to research if Council Member Mann had a conflict of interest regarding this matter since he abstained from discussion and voting on this matter the last time it was discussed.
FILE NO. CC-8(a), CC-53(a) AND CC-149

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 Warner called for the Public Hearing to consider the request of Lori W. McIntosh on behalf of Southwest Associates for the following:

1. Consider prezoning the 21.46 acre parcel at 630 East State Route 12 (APN 058-030-02) to C-S, Commercial Shopping; and
2. Certifying the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.

Hearing Opened to the Public

1. Wilbur Ruhl, 265 Almond Drive, Lodi, spoke in opposition to this matter and again indicated that he felt this is an illegal consideration without an EIR, which will destroy agricultural land and the farmers;
2. John Eilers, Land Utilization Alliance, Linden, for the record, asked that his comments from the prior public hearing be repeated on this item. *Mr. Eilers indicated that this is premature conversion of agricultural land and that the Negative Declaration is illegal with CEQA. Mr. Eilers entered into the record a document entitled, "An Econometric Model of the Fiscal Impact of Urbanization on Stockton and San Joaquin County" prepared by Phillip H. Allman, Ph.D. This annexation would cause the loss of business to downtown and there is no reason to rush into it. Further, Mr. Eilers commented that the Right to Farm Ordinance has not stopped harassment from neighboring property owners in the past, and also feels that the City Council should not ignore portions of the City's General Plan; and*

3. Vic Federico, 1101 West Harney Lane, Lodi, spoke in opposition to the proposed annexation. There are plenty of lots available in Lodi on which to build. Businesses have been closed down in Lodi.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Sieglock, Warner second, introduced Ordinance No. 1624 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning the Parcel Located at 630 East State Route 12 (APN 058-030-02) to C-S, Commercial Shopping", certified the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project and incorporated the Planning Commission's findings shown below by the following vote:

1. That the Plot Plan (LMC 17.30.100) and Development Schedule (LMC 17.30.100) are not approved at this time;
2. That the Plot Plan and Development Schedule are held in abeyance until such time that the City Council, Planning Commission and property owners have agreed on a new zoning classification which will outline the permitted uses; and
3. That the approval is with the understanding that future development will conform and be consistent with the plans and policies of the Downtown Revitalization Plan.

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

Noes: Council Members - Davenport

Absent: Council Members - None

Council Member Davenport stated for the record that he opposes and contests the certifying of the Negative Declaration by the Community Development Director as adequate environmental documentation, and further would like the City Attorney to research if Council Member Mann had a conflict of interest regarding this matter. Mr. Davenport also stated for the record that the City's land to the west is the finest ground in the world and it should not be covered.

FILE NO. CC-8(a), CC-53(a) AND CC-149

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 Council Member Sieglock, Warner second, unanimously rejected the following claims:

1. James Pirkig, date of loss 12/30/95;
2. Robert Haley, date of loss 7/16/95; and
3. Ronald & Madalynne Hancock, date of loss 7/29/95.
FILE NO. CC-4(c)

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- b) City Clerk Perrin read the following ABC License:
 - 1. Bernell Langston to Canned Foods, inc., 215 East Lodi Avenue, Lodi, Off-Sale Beer and Wine, Person to Person Transfer.
FILE NO. CC-7(f)
- c) The following report was presented to the City Council:
 - 1. Planning Commission report of January 22, 1996.
FILE NO. CC-35(c)

9. REGULAR CALENDAR

- a) The City Council, on motion of Mayor Warner, Pennino second, adopted Resolution No. 96-10 initiating the Crossroads Reorganization, a 63.5 acre annexation on the west side of Lower Sacramento Road, north and south of Kettleman Lane (i.e., 570 East Taylor Road, 15201 North Lower Sacramento Road and 630 East State Route 12) by the following vote:
 - Ayes: Council Members - Mann, Pennino, Sieglock and Warner (Mayor)
 - Noes: Council Members - Davenport
 - Absent: Council Members - None

FILE NO. CC-8(a) AND CC-300

- b) The City Council, on motion of Council Member Pennino, Davenport second, unanimously introduced Ordinance No. 1625 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 16.40, Section 16.40.050-A.-4., Relating to Reimbursement Agreements" (the option selected, *Option Two*, reads "The agreement shall provide that the City will collect the appropriate charge from the properties identified in the agreement and reimburse the applicant or the applicant's heirs, successors or assigns, for a period of fifteen years from the date of the agreement only. Reimbursement Agreements to recover funds advanced by City for projects shall expire after 15 years; reimbursement charges will not be collected after that time") and further ordered that old Reimbursement Agreements to recover funds advanced by City for projects shall expire after 15 years.
FILE NO. CC-90 AND CC-149
- c) Agenda item #H-3 entitled, "Contract award for development of Cleanup Program for PCE/TCE" was pulled from the agenda pursuant to staff's request.
- d) The City Council, on motion of Council Member Sieglock, Warner second, unanimously adopted Resolution No. 96-11 authorizing the Electric Utility Director to sign an amendment to the current Western Area Power Administration contract with the City of Lodi.
FILE NO. CC-51(d), CC-90 AND CC-300
- e) Council heard a report regarding the Electric Utility Department five-year planning review.
FILE NO. CC-21(b) AND CC-51(d)

10. VOTE TO CONTINUE MEETING FOLLOWING 11 P.M. HOUR

Pursuant to the code, the City Council, on motion of Council Member Davenport, Sieglock second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

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11. ORDINANCES

None.

12. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

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

- a) City Manager Flynn informed the public and the City Council that Police Chief Hansen will be appearing on Larry King Live Friday night.
- b) Council Member Sieglock informed the public that the San Joaquin County Board of Supervisors has set the Library tax for a special election in June. Mr. Sieglock expressed his opposition to the proposed tax, and especially to the special election which could cost approximately \$360,000. Council Member Sieglock urged the citizens to join him in opposing this tax. Mr. Sieglock congratulated Roscoe Brownfield, Vice President with Bank of America, who is retiring. Further, Council Member Sieglock requested that a public hearing be set to discuss with the citizens whether or not Lodi should consider becoming a Charter City.
FILE NO. CC-6, CC-18 AND CC-29

14. CLOSED SESSION

There was no need for the Closed Session on the following matters:

- a) Threatened Litigation. Government Code §54956.9(b). One case. Potential suit by State of California against City of Lodi based on alleged groundwater contamination by PCE/TCE
- b) Threatened Litigation: Government Code §54956.9(b). One case. Potential suit by Betty Jean Eachus against City of Lodi based on pedestrian/vehicle accident

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Warner adjourned the meeting at approximately 12:05 a.m., Thursday, February 8, 1996.

ATTEST:

Jennifer M. Perrin
City Clerk