

CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 21, 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, City Engineer Prima, Community Center Director Lange,
Finance Director McAthie, City Attorney Hays and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Gary Wall, Vinewood 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 Pat Sherman proclaiming February 27, 1996 as "Spay Day USA 1996".
FILE NO. CC-37
 - b) Mayor Warner presented a proclamation to Rito Meza and Kristy Brooks proclaiming the week of February 17 - 24, 1996 as "Future Farmers of America Week".
FILE NO. CC-37
 - c) Dennis Bennett, Chairperson, Old Lodi Union High School Site Foundation, and Tim Mattheis, Wenell, Mattheis and Bowe, presented the final design plans for the performing arts center, the conferencing facility, rotunda and connectors and reviewed the estimated costs and construction timeline. The project is currently on schedule. Estimated date to begin construction is September 1996 and construction should be complete in November 1997. Total cost of the project (including construction contingencies and other fees) is approximately \$8.2 million. Council stressed that it wanted the public to be involved in the decision process regarding the hours and the locking of the basketball courts.
FILE NO. CC-6 AND CC-14(e)
 - d) Walter Meryman, representing the Lodi Writers Association, presented the City Council with its new publication entitled, "A collection of writings by members of the Lodi Writers Association". The group was incorporated in 1983 and by 1995 it published its own book, with 25 of the 53 members appearing in the publication.
FILE NO. CC-11(a)
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5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$4,012,048.70.
FILE NO. CC-21(a)
- b) The Minutes of February 7, 1996 (Regular Meeting) were approved as written.
- c) Adopted Resolution No. 96-12 awarding the contract for Blakely Park pool balance tank and filtration system replacement to Western Waterfeatures, Inc., of El Dorado Hills, in the amount of \$43,187 and appropriated funds in accordance with staff recommendation.
FILE NO. CC-12(a) AND CC-300
- d) Approved the final map for Woodhaven Park, Unit No. 1, Tract No. 2604, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City and appropriated the necessary funds from the Street Development Impact Mitigation Fee Fund.
FILE NO. CC-46 AND CC-90
- e) Agenda item #E-5 entitled, "Final map and Improvement Agreement for Woodhaven Park, Unit No. 2" was pulled from the agenda pursuant to staff's request.
FILE NO. CC-46 AND CC-90
- f) Authorized staff to proceed with the Request for Qualifications for Study Phase of the Indoor Sports Facility. Council indicated it wanted to be involved during the process, instead of waiting until the end.
FILE NO. CC-6 AND CC-40
- g) Approved the process for the first part, the Strategic Plan, of the City's Information Technology Plan and authorized the City Manager to execute a professional services contract not exceeding \$5,000.
FILE NO. CC-6
- h) Authorized the solicitation of proposals for the operation of a food cart concession at Lodi Lake Park and other locations for the period May 1, 1996 through December 31, 1998
FILE NO. CC-27(c) AND CC-90
- i) Approved a two-year contract extension to Food and Fun Concessions for concession operations at Armory Park and Softball Complex.
FILE NO. CC-27(c) AND CC-90
- j) Adopted Resolution No. 96-13 approving the revised class specification for Dispatcher/Jailer.
FILE NO. CC-34 AND CC-300
- k) Adopted Resolution No. 96-14 in support of the fourth Amtrak train of the San Joaquin corridor.
FILE NO. CC-6, CC-7(h) AND CC-300
- l) Set Public Hearing for March 6, 1996 to consider establishment of City Charter.
FILE NO. CC-6 AND CC-18

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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 Warner called for the Public Hearing to consider adoption of Uniform Fire Code - 1994 as approved by the State of California.

ACTION:

The City Council, on motion of Council Member Sieglock, Warner second, unanimously continued the Public Hearing to March 20, 1996 to consider adoption of Uniform Fire Code - 1994 as approved by the State of California.
FILE NO. CC-6

- 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 amending Lodi Municipal Code 13.12 (Sewer Service) to add "Bakery" to commercial categories.

ACTION:

The City Council, on motion of Council Member Pennino, Sieglock second, unanimously continued the Public Hearing to March 6, 1996 to consider amending Lodi Municipal Code Chapter 13.12 (Sewer Service) to add "Bakery" to commercial categories.
FILE NO. CC-44 AND CC-149

- c) 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 amending Lodi Municipal Code Chapter 5.24 regarding "Taxicabs and Other Vehicles for Hire".

Hearing Opened to the Public

1. Keith Weidner, 1806 Lakeshore Drive, Lodi, spoke against the proposed ordinance. Taxicabs are already regulated by the Lodi Police Department which includes fingerprinting and a scan for past criminal activity and this ordinance would take away the need and demand for this service and hurt the business. In regard to the complaints received about Yellow Cab, Mr. Weidner feels it is odd that it has been in business for three years and now all of a sudden it is receiving complaints at the same time someone else wants to start a taxicab business. The only fares it will not pick up are those at certain businesses with continued "false" calls or those who owe money. Council Member Mann asked the City Attorney to look into the complaints, because they should be required to pick up all calls; and
2. Mark Rivera, 8537 Everglade Drive, Sacramento, representing the Limousine Club, spoke in opposition to including limousines in this ordinance because it is already regulated by the Public Utilities Commission (PUC). PUC already requires the proper insurance certificates, performs fingerprint checks and drug and alcohol tests. This ordinance would be redundant.

Public Portion of Hearing Closed

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ACTION:

Council Member Pennino made a motion, Warner second, to introduce Ordinance No. 1627 entitled, "An Ordinance of the City Council of the City of Lodi Repealing and Reenacting Lodi Municipal Code Chapter 5.24 Relating to Vehicles for Hire" as recommended. 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, introduced Ordinance No. 1627 amending Lodi Municipal Code Chapter 5.24 relating to vehicles for hire and removing any reference to limousines (however, limousine companies will still be required to pay appropriate business license tax for operating within the City of Lodi) by the following vote:

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

FILE NO. CC-6, CC-33 AND CC-149

7. **COMMUNICATIONS (CITY CLERK)**

- a) City Clerk Perrin read the following ABC Licenses:
1. Tony Plattel to Harbhajan and Devinder Shergill, Quik Stop Market #152, 1721-1 South Cherokee Lane, Lodi, Off-Sale Beer and Wine, Person to Person Transfer; and
 2. Kenneth J. Schmollinger, Capri Pizzeria, 606 West Lockeford Street, Lodi, On-Sale Beer and Wine, Person to Person Transfer.
FILE NO. CC-7(f)
- b) The following report was presented to the City Council:
1. Planning Commission report of February 21, 1996
FILE NO. CC-35(c)
- c) The City Council, on motion of Council Member Mann, Sieglock second, unanimously set a Public Hearing for March 20, 1996 to consider appeal received from Mullen, Sullivan & Newton on behalf of Richard Gallantine regarding mitigation fees for the applicability of the dedication and off-site improvement sections of the Lodi Municipal Code.
FILE NO. CC-6 AND C C-56

8. **RECESS**

Mayor Warner called for a ten-minute recess, and the meeting reconvened at approximately 9:10 p.m.

9. REGULAR CALENDAR

- a) In the matter regarding the Central City Revitalization Assessment District, the City Council, on motion of Council Member Mann, Sieglock second, adopted Resolution No. 96-15 entitled, "A Resolution of Preliminary Approval of Engineer's Report" and adopted Resolution No. 96-16 entitled, "A Resolution Appointing Time and Place of Public Meeting (March 6, 1996) and Public Hearing (April 10, 1996) in Relation to Proposed Improvements and Assessments, and Directing Notice" by the following vote:

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

Council Member Davenport stated for the record his protest of the approval of the Engineer's Report.
 FILE NO. CC-10(e), CC-10(h), CC-72, CC-300 AND CC-400

10. ORDINANCES

- a) 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" having been introduced at a regular meeting of the Lodi City Council held February 7, 1996 was brought up for passage on motion of Council Member Sieglock, Mann 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 - Mann, Pennino, Sieglock and Warner (Mayor)
 Noes: Council Members - Davenport
 Absent: Council Members - None

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

- b) Ordinance No. 1623 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning 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" having been introduced at a regular meeting of the Lodi City Council held February 7, 1996 was brought up for passage on motion of Council Member Mann, Pennino 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 - Mann, Pennino, Sieglock and Warner (Mayor)
 Noes: Council Members - Davenport
 Absent: Council Members - None

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

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- c) 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" having been introduced at a regular meeting of the Lodi City Council held February 7, 1996 was brought up for passage on motion of Council Member Pennino, Sieglock 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 - Mann, Pennino, Sieglock and Warner (Mayor)
 Noes: Council Members - Davenport
 Absent: Council Members - None
 FILE NO. CC-8(a), CC-53(a) AND CC-149

- d) 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" having been introduced at a regular meeting of the Lodi City Council held February 7, 1996 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 - Davenport, Mann, Pennino, Sieglock and Warner (Mayor)
 Noes: Council Members - None
 Absent: Council Members - None
 FILE NO. CC-6, CC-90 AND CC-149

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

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

- a) City Manager Flynn introduced Joseph Wood, newly-appointed Community Improvement Manager, and his wife, Suzanna, and their daughter. Also, Mr. Flynn announced that a group of thirteen delegates from Lodi, Italy will be here March 18, 1996. Information on the scheduled event(s) will be forthcoming.
- b) Council Member Pennino reminded the public that the Lodi Youth Commission will hold its Youth Conference entitled, "Its Your Life", on February 28, 1996 from 12:30 p.m. - 8:00 p.m. Mr. Pennino encouraged the City Council to stop by. Tickets are currently on sale, but hurry because they are almost sold out.
- c) Council Member Davenport thanked everyone for coming to the meeting and reminded everyone to be ever mindful of gangs.
- d) Mayor Warner encouraged people to shop in Lodi, especially downtown Lodi, and to remember Lodi's car dealerships. They are large contributors to this community's sales tax.

13. ADJOURNMENT

There being no further business to come before the City Council, Mayor Warner adjourned the meeting at approximately 9:35 p.m.

ATTEST:

Jennifer M. Perrin, City Clerk