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CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 6, 1996
7:00 P.M.

1. ROLL CALL

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

Absent: Council Members - Davenport

Also Present: City Manager Flynn, Public Works Director Ronsko, City Engineer Prima,
Community Development Director Schroeder, Finance Director McAthie,
City Attorney Hays and City Clerk Perrin

2. INVOCATION

The invocation was given by Darryl Peabody, United Congregational Christian Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Warner.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Warner presented the Government Finance Officers Association's Distinguished Budget Presentation Award to Finance Director McAthie.
FILE NO. CC-21(b)
- b) Mayor Warner presented Harry Marzolf of the East Side Improvement Committee with a proclamation proclaiming the month of March 1996 as "American Bungalow Month" in the City of Lodi. Mr. Marzolf invited the City Council and the public to attend its free home improvement workshop on Saturday, March 30, 1996 at the American Legion Building, 9:30 a.m. - 1:30 p.m. There will also be a tour of six Lodi bungalows on Sunday, March 30, 1996 from 11 a.m. - 3 p.m. Tickets are on sale at various banks throughout Lodi.
FILE NO. CC-37
- c) Mayor Warner presented a Resolution of Appreciation to retiring Graffiti Abatement Coordinator, Ernest DiLiberto. Mr. DiLiberto has worked for the City in this capacity for four years since the program's inception. He started working only 20 hours a week and quickly went to full time in order to keep up with the increase in graffiti. Mr. DiLiberto, also known as "Graffiti Man" and "Graffiti Terminator", will be greatly missed.
FILE NO. CC-34
- d) Mayor Warner presented a Certificate of Recognition to City of Lodi employee Linda McEnerney, for her excellent service and representation of the City of Lodi. Mike Bennett with the San Joaquin County Historical Museum explained how recently the Lodi District Chamber of Commerce Tourism Committee conducted an informal telephone inquiry regarding tourism in the City. Representatives telephoned various entities including the City of Lodi with questions concerning museums and things to do in the area. Ms. McEnerney provided the most complete responses out of all of the offices called and provided information regarding local museums and sites and the Chamber of Commerce.
FILE NO. CC-34

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- e) Mayor Warner presented a Certificate of Appreciation to Robby Hoffman of Boy Scout Troop 199 in recognition of his volunteer service project at Lodi Lake Nature Area. The group planted four willow trees and sowed ten pounds of erosion control native grass seed near Pigs Lake.
FILE NO. CC-27(c)
- f) The City Manager introduced newly-appointed Risk Management Coordinator, Jeff Byers.
FILE NO. CC-37

5. CONSENT CALENDAR

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

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

- a) Claims were approved in the amount of \$1,690,121.42.
FILE NO. CC-21(a)
- b) The Minutes of February 21, 1996 (Regular Meeting) and February 24, 1996 (Joint Meeting with Library Board) were approved as written.
- c) Approved the plans and specifications for bids for Well 4R water storage tank and pump station project, 1215 Thurman Street and authorized advertisement for bids.
FILE NO. CC-12.1(c)
- d) Agenda item #E-4 entitled, "Rejection of bids, approval of revised specifications and authorization to readvertise for bids for Fire Department day room furniture" was pulled from the agenda pursuant to staff's request.
- e) Adopted Resolution No. 96-18 awarding the purchase of a heavy-duty lift truck (forklift) for Equipment Maintenance Division from Gray Lift, Inc., of Manteca, in the amount of \$22,096.77 and appropriated funds in accordance with staff's recommendation.
FILE NO. CC-12(d) AND CC-300
- f) Adopted Resolution No. 96-19 awarding the contract for City Hall Entry project to E.F.G.C. Construction, of Stockton, in the amount of \$99,990 and appropriated funds in accordance with staff recommendation.
FILE NO. CC-12(a) AND CC-300
- g) Received for information only Contract Change Orders for Civic Center Improvements (Phase II), City Hall Remodel.
FILE NO. CC-90
- h) Accepted improvements under the "Wastewater Pipe Improvements, Alley South of Locust Street, Washington Street to Cherokee Lane" contract, and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
FILE NO. CC-90
- i) Adopted Resolution No. 96-20 accepting the development improvements for Century Meadows Two, Unit No. 2, Tract No. 2693.
FILE NO. CC-46 AND CC-300

- j) Approved the final map for Woodhaven Park, Unit No. 2, Tract No. 2717, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.
FILE NO. CC-46 AND CC-90
- k) Approved the Fee Deferral Agreement for 705 West Kettleman Lane, and directed the City Manager and City Clerk to execute the agreement and map on behalf of the City.
FILE NO. CC-46 AND CC-90
- l) Approved the Cooperative Agreement with San Joaquin County Council of Governments (SJCOG) and authorized the City Manager to execute the agreement.
FILE NO. CC-90
- m) Agenda item #E-13 entitled, "Vacation of public utility easement at 1 West Turner Road, from North of Turner Road to the Mokelumne River" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Mayor Warner.)
- n) Approved the specifications for bids for a courier service as a more effective method to transport mail and interdepartmental correspondence and authorized advertising for bids.
FILE NO. CC-12.1(c)
- o) Agenda item #E-15 entitled, "Receive refuse rate proposal from California Waste Removal Systems and set public hearing for March 20, 1996" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Mayor Warner.)

6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) (Due to a conflict of interest, Mayor Warner abstained from discussion and voting on the following matters.)

The City Council, on motion of Council Member Pennino, Sieglock second, took the following actions by the vote shown below:

- 1. Adopted Resolution No. 96-17 vacating the 10-foot public utility easement at 1 West Turner Road, from north of Turner Road to the Mokelumne River; and
FILE NO. CC-52(b) AND CC-300
- 2. Received refuse rate proposal from California Waste Removal Systems and set Public Hearing for March 20, 1996
FILE NO. CC-6, CC-22(b) AND CC-54

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

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 project proposals and community input regarding the 1996/97 Federal allocations of Community Development Block Grant (CDBG) and HOME funds.

Hearing Opened to the Public

1. John Brinton, Family Law Service Center, 165 Saint Dominic Drive, Manteca, thanked the City Council for the funds it received last year and further requested \$7,000 this year to help with its operations. This agency addresses the legal needs of the indigent;
2. Richard Jones, Boys and Girls Club, 2445 South Ham Lane, Lodi, requested funding of \$200,000 for assistance in completing Phase III of its project. Some of the areas left to complete are the computer classrooms, teen center, creative arts program and administrative offices. The Boys and Girls Club has applied for many grants and are in contention for a \$100,000 grant; however, a decision will not be made until late fall. A fundraiser, scheduled for October, will raise funds for use toward maintenance and operation of the new building. Mr. Jones will speak with his board on whether or not it would be interested in a loan of funds;
3. Harry Marzolf and Colleen Dixon, Lodi East Side Improvement Committee, P.O. Box 2444, Lodi, requested \$5,000 toward committee operations and expenses and \$150,000 to continue with the east side lighting project (Phase III);
4. Scott Keithley, Lodi Lions Club, requested the reinstatement of \$105,000 that was allocated for the Legion Park project last year (the project total was \$211,000). One half of the funds, although approved last year, was reallocated this year for Hotel Lodi;
5. Robert Klinger, Director, San Joaquin County Food Bank, 2050 Angelico Circle, Stockton, requested \$10,000 for operations and thanked Council for its past support;
6. Alfred Parker, Salvation Army, 1218 Wimbledon Drive, Lodi, requested \$150,000 to help continue its operation in the City of Lodi. The funds would go towards needed roof repairs, a computer system, upgrading and/or replacing the telephone system, housing for women and children, transportation systems, facility upgrades and administrative support. For facility upgrades alone, the Salvation Army could get by with about \$98,000; and
7. Community Development Director Schroeder indicated that the administration, DAR, housing rehab and fair housing are ongoing programs. Further, Mr. Schroeder spoke on behalf of Mamie Starr, Facilities Planner with Lodi Unified School District, stating LUSD would not be making a request, as they are unsure of their eligibility for block grant funds at this time.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Sieglock, Warner second, continued the public hearing to March 20, 1996 regarding Community Development Block Grant (CDBG) and HOME funds by the following vote:

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

Staff will return at that time with a recommendation.
FILE NO. CC-6 AND CC-55

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- 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 continued 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, Warner second, terminated the public hearing to consider amending Lodi Municipal Code 13.12 (Sewer Service) to add "Bakery" to commercial categories pending further information by the following vote:

Ayes: Council Members - Mann, Pennino, Sieglock and Warner

Noes: Council Members - None

Absent: Council Members - Davenport

Further, the City Council, on motion of Council Member Sieglock, Warner second, authorized the City Manager to execute a professional services agreement for a wastewater rate analysis, not to exceed \$18,000, by the following vote:

Ayes: Council Members - Mann, Pennino, Sieglock and Warner

Noes: Council Members - None

Absent: Council Members - Davenport

FILE NO. CC-6, CC-44 AND CC-149

8. **RECESS**

Mayor Warner declared a ten-minute recess and the City Council meeting reconvened at approximately 8:45 p.m.

9. **PUBLIC HEARINGS (Continued)**

- 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 establishment of City Charter.

Hearing Opened to the Public

The following persons spoke in opposition to eliminating the prevailing wage in the City of Lodi, which is a potential issue in a city charter. Various reasons cited against eliminating prevailing wage were low-paid and low-skilled workers, no more apprenticeship program (training of the laborers), disappearance of health and welfare, unfair bidding procedures, and decline in areas such as property tax, sales tax and income tax for the City.

1. Michael Halloran, 483 Springer Lane, Lodi;
2. Jane Lea, 207 East Walnut Street, Lodi;
3. William Fletcher, 4220 Waller Road, Stockton;
4. Gary Slauson, 7210 Pheasant Road, Fair Oaks. Mr. Slauson offered to meet with the City Council Members to discuss further information regarding prevailing wage and Davis Bacon;

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5. Dave Young, District Representative for local union #3, 8824 Grant Line Road, Elk Grove;
6. Tom Aja, 3313 Bartley Lane, Modesto, also suggested that if the City Council decides to proceed with a study regarding Charter city, it form an ad hoc committee which should include representatives concerned with this issue;
7. Tony Cardoza, 11792 East Highway 12, Lockeford;
8. Roger Kelly, 2015 Elmwood, Stockton;
9. Joe Winstead, 3935 Coronado, Stockton, also offered to meet with each Council Member on an individual basis to go over information regarding prevailing wage;
10. Kevin Coleman, National Electrical Contractors Association, 7500 North West Lane, Stockton. Mr. Coleman submitted to the City Council a document entitled, "Losing Ground: Lessons from the Repeal of Nine 'Little Davis-Bacon' Acts" from the University of Utah (copy of which is on file in the City Clerk's office);
11. Craig Palmtag, 730 Howard Street, Lodi;
12. Michael Monagan, representing California Association Sheet Metal and Air Conditioning Contractors National Association, 400 Capitol Mall, Sacramento. Mr. Monagan submitted documentation on prevailing wages (a copy of which is on file in the City Clerk's office);
13. Sue Markland Day, Executive Director with California Alliance for Jobs, Oakland. Ms. Markland will forward to the City Council a copy of a report to be released on March 15, 1996 which analyzes two counties in the south land (one with prevailing wage, one without). Further, Ms. Markland offered the organization's services regarding facts and figures for prevailing wages and for land use issues which can be another issue in Charter city provisions.

In addition to the public comments, letters against eliminating prevailing wages were received from the following:

1. Andrew Stephens, President, AM Stephens Construction Co., Inc., 1717 South Stockton Street, Lodi;
2. Jim Munro, President, Vic Myers Inc. Sheet Metal Products, 320 South Sacramento Street, Lodi; and
3. Bob Balgenorth, President, State Building and Construction Trades Council of California, Pasadena.

Public Portion of Hearing Closed

ACTION:

Following discussion, the City Council, on motion of Council Member Sieglock, Pennino second, tabled indefinitely the matter regarding possible establishment of Charter City by the following vote:

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

FILE NO. CC-6 AND CC-18

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10. RECESS

Mayor Warner called for a ten-minute recess and the City Council meeting reconvened at approximately 9:50 p.m.

11. COMMUNICATIONS (CITY CLERK)

- a) The City Council, on motion of Council Member Pennino, Mann second, made the following reappointments by the vote shown below:

East Side Improvement Committee

Virginia Lahr
Kevin Suess
Richard Woolstrum

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

FILE NO. CC-2(s)

12. REGULAR CALENDAR

- a) The City Council conducted a Public Meeting regarding Central City Revitalization Assessment District. No action was required at this meeting.

Speaking on the matter were the following persons:

1. Tim Hachman, Attorney-at-Law, hired by the City of Lodi to conduct the proceedings involving the possible formation of an assessment district. Mr. Hachman explained that the purpose of this evening is to conduct a public meeting, not a hearing, to allow public testimony regarding the issue. No action is to be taken at the conclusion of this meeting. There will be a formal hearing on April 10, 1996 at which time a decision will need to be made;
2. Michael Freedman, Freedman, Tung and Bottomley, summarized the process by which the catalyst project and funding was arrived. The elements of the downtown and Cherokee Lane projects and financing was undertaken at seven community workshops widely advertised and very well attended. One entire workshop was devoted to how the catalyst projects would be paid for. Ultimately, the \$3.5 million proposal was the one selected. The Central City Assessment District would pay for half of the *construction* costs. The Business License Tax was one of the ways to come up with some of the remainder of the money needed;
3. Sheryll Salsedo, 542 East Walnut Street, Lodi, spoke on behalf of her parents who own Lodi Sports Club. They are opposed to the assessment. There is not much proposed to be done on this part of the street and there is nothing scheduled on Sacramento Street;

4. Roy Collins, 217 East Pine Street, Lodi, owns six parcels within the assessment district and is opposed to the project. Mr. Collins originally objected because his property is on the east side and was never considered as a part of downtown; therefore, he never attended the meetings. If he had known that this would have involved him, he would have been there. Mr. Collins feels that they are being assessed just for the School Street business, Lodi Downtown Business Association (LDBA) and the merchants. There are limitations to the improvements, and he feels that the City is ignoring the real problem -- Sacramento Street. None of this will or has affected his property;
5. Darrel Fandrich, Cherokee Lane Mobile Park, 1651 South Cherokee Lane, Lodi, expressed his belief that the revitalization projects in Antioch, Fairfield, Martinez and Concord failed and did not bring in more business and people downtown and even forced some businesses to close. This should show the City Council what the result will be. Cherokee Lane should be left alone. Medians and planters will not allow traffic to enter some businesses because it will cut off half of its traffic and customers.
6. Tony Segale, 204 North Sacramento Street, Lodi, summarized how the project got this far. This is the time for the property owners to use their money to improve their properties and have a better downtown and Cherokee Lane so people will shop there. Upon request the City Council implemented the Business License Tax to help fund some of these costs. The City Council trusted the public to fulfill its end of the bargain to form an assessment district to pay its share of the costs. If one is in the downtown core and paying over 15 years, this would cost \$0.015 cents per square foot per month. If one is outside the downtown core area, it would cost \$0.003 cents per square foot per month;
7. Ira Morgan White, owner of JCPenney building, 7943 Kemper Court, Pleasanton, spoke in support of the Central City Revitalization Plan, stating no proposal will make everyone happy, and the issues will have to be argued. However, if improvements are not done, nothing will happen to better downtown and Cherokee Lane. Don't let the program die;
8. Bill Sandeen, 410 South Mills Avenue, Lodi, owner of Hazel's restaurant building, spoke in support of the project. If concerned about Lodi, do something about it. Make it better by following through with the plan and it will have a ripple affect throughout the City;
9. Rose Marie Mendonca, 1 North Cherokee Lane, Lodi, spoke in support of the project. Ms. Mendonca also expressed her concern that several property owners on Cherokee Lane were misinformed about the sidewalks and the parking and hoped that those people will look into it and understand it better. We must improve what we have to make a strong downtown that will filter out to the other areas. Get behind this and keep it moving;
10. Mike Lapenta, Chairman of the Lodi Downtown Business Association (LDBA), 1718 Edgewood Drive, Lodi, expressed LDBA's support for the project;
11. Sunil Yadav, 1050 South Cherokee Lane, Lodi, representing some of the small hotel owners, spoke in opposition to the assessment districts. There is nothing wrong with fixing up Cherokee Lane with curb and gutters and trees; however, how will the City maintain it, when for years it has not fixed the hole in the street in front of his building. He is paying high fees already and this would be a burden on top of everything else. Council Member Mann stated for the record that should the project go forward, the City would be committed to maintain the trees;

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12. Jim Jacobsen, 19307 Tami Lane, Woodbridge, spoke in support of the project and urged those involved in the districts to see what impact the property will have from these improvements and what the sacrifice will be. The core will be paying more money because of the direct improvement. Compare those costs to rent-- it would be like paying \$0.015cents more per square foot for rent every month. That is reasonable;
13. Ken Lung, 820 West Oak Street, Lodi, spoke in support of the project. Just as he believes that Hutchins Street Square has improved his property value over time since he lives near it, he feels that all will benefit from this in time;
14. Virginia Lahr, 311 East Elm Street, Lodi, spoke in favor of the Central City Revitalization Project. This project will require everyone working together to make it successful and that the benefit will have a ripple effect to Lodi businesses over time. Sacramento Street and Hale Park were a mess, but the City invested time and money and it took people working together to keep things going. Ms. Lahr has already seen an improvement on Cherokee Lane;
15. Paul Easley, 218 North School Street, Lodi, spoke in opposition to the assessment district. In attending the community workshops, he doesn't recall seeing the same consensus that everyone talks about. A lot of those properties not being improved are being assessed;
16. Connie Chan, Sacramento, representing parents who own 701 and 707 South Cherokee Lane, Lodi, spoke in opposition to the assessment district. Cherokee Lane is the way it is because of the strip malls, and this will not help the area as predicted. The only ones it will improve are the profits to the auto dealers;
17. Barbara McWilliams, 208 South School Street, Lodi, downtown property owner, expressed her support of the Central City Revitalization Project;
18. Diana Slawson, Lodi District Chamber of Commerce Visitors and Conference Bureau, expressed support for the project. Lodi needs to become a destination and to increase tourism to collect more of Lodi's share of tax dollars. This is an opportunity to do something positive to enhance the image of Lodi and spend money here; however, without a healthy, viable downtown no one will come. The bottom line is, the overall plan will be good for the City, and we must start somewhere to grow. Ms. Slawson encouraged all property owners in this area to support the project; and
19. Virginia White, 7943 Kemper Court, Pleasanton, expressed support for the project.

FILE NO. CC-6, CC-72 AND CC-400

13. VOTE TO CONTINUE WITH REMAINDER OF MEETING

The City Council, on motion of Council Member Sieglock, Pennino second, voted to continue with the remainder of the meeting following the 11:00 p.m. hour by the following vote:

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

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14. ORDINANCES

a) Ordinance No. 1626 entitled, "An Ordinance of the City Council of the City of Lodi Repealing and Reenacting Lodi Municipal Code Chapter 5.24 Relating to Taxicab Transportation Service" having been introduced at a regular meeting of the Lodi City Council held February 21, 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 - None
Absent: Council Members - Davenport

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

15. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

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

None.

17. ADJOURNMENT

There being no further business to come before the City Council, Mayor Warner adjourned the meeting at approximately 12:20 a.m., Thursday, March 7, 1996.

ATTEST:

Jennifer M. Perrin
City Clerk