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CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 20, 1996
7:00 P.M.

1. ROLL CALL

Present: Council Members - Davenport (arrived at approximately 7:10 p.m.), Mann, Pennino, Sieglock and Warner (Mayor)

Absent: Council Members - None

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

2. INVOCATION

The invocation was given by Pastor Mike Reed, Lodi Avenue Baptist Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Warner.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Warner presented a Resolution of Appreciation to Lillian Goldsmith as the recipient of the "Susan B. Anthony" Award.
FILE NO. CC-37
- b) Mayor Warner presented a proclamation to Jacob Rutz proclaiming the week of March 17 - 23, 1996 as "77th Anniversary of the Order of DeMolay".
FILE NO. CC-37
- c) Mayor Warner presented a Resolution of Appreciation to Community Development Director James B. Schroeder who is retiring from the City of Lodi after 31 years of dedicated service. Mr. Jeff Kirst and Mr. Dennis Bennett thanked Mr. Schroeder for all he has done for this City, and they appreciated the opportunity to work with him. Mr. Kirst explained that when Mr. Schroeder was hired at the City of Lodi, his father called him the "new broom" at the City. Over the years the bristles have become worn, tattered and some have even broken off. Therefore, Mr. Kirst presented Mr. Schroeder with a broom representing all of the work, the City Council meetings, the Planning Commission meetings, and LAFCO and neighborhood meetings.
FILE NO. CC-34 AND CC-37

5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$3,679,763.26.
FILE NO. CC-21(a)
- b) The Minutes of March 6, 1996 (Regular Meeting) were approved as written.

- c) Received report of sale of scrap metal.
FILE NO. CC-20 AND CC-47
- d) Approved the specifications for bids for exhaust system for Equipment Maintenance Shop and authorized advertising for bids.
FILE NO. CC-12.1(a)
- e) Approved the specifications for bids for mini blinds for City Hall and authorized advertising for bids.
FILE NO. CC-12.1(b)
- f) Approved the specifications for bids for 175 high-pressure sodium luminaires and authorized advertising for bids.
FILE NO. CC-12.1(b)
- g) Adopted Resolution No. 96-21 rejecting the two bids received for day room furniture for the Fire Department, approved revised specifications and authorized readvertising for bids.
FILE NO. CC-12(b), CC-12.1(c) AND CC-300
- h) Set Public Hearing for April 17, 1996 to consider adoption of the updated Urban Water Management Plan.
FILE NO. CC-6 AND CC-183(d)
- i) Authorized the City Manager to execute a professional services agreement with BASE Associates in Sacramento, for preparation of the risk management and prevention program (RMPP) for the White Slough Water Pollution Control Facility.
FILE NO. CC-51(f) AND CC-90
- j) Authorized the Electric Utility Director to sign Exhibit A, Revision 1, to Contract No. 92-SAO-20056 between the City of Lodi and the Western Area Power Administration (WAPA).
FILE NO. CC-51(d) AND CC-90
- k) Authorized the City of Lodi to join the amicus brief for County of San Bernardino, et al., v. City of San Bernardino, et al., Supreme Court Case No. S050179
FILE NO. CC-4(f)
- l) Agenda item #E-12 entitled, "Approve renewal of contract with 3M Media National Advertising Company for City-leased advertising billboards" was pulled from the agenda pursuant to staff's request.
FILE NO. CC-6 AND CC-90
- m) Agenda item #E-13 entitled, "Purchase three transit vehicles" was pulled from the agenda pursuant to staff's request.

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 continued 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 Mann, Sieglock second, unanimously continued the Public Hearing to April 17, 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 appeal received from Mullen, Sullivan & Newton on behalf of Richard Gallantine regarding mitigation fees and for the applicability of the dedication and off-site improvement sections of the Lodi Municipal Code.

Hearing Opened to the Public

1. Stephen C. Snider, Mullen, Sullivan & Newton, 1111 West Tokay Street, Lodi, spoke representing Richard Gallantine. Mr. Snider submitted for the record the following documents:
 - Notice of Appeal dated July 5, 1995 regarding off-site improvements and dedications;
 - Request for Fee Adjustment or Waiver dated July 5, 1995;
 - Letter dated July 31, 1995 confirming agreement to try to reach a resolution;
 - Letter of Appeal dated February 2, 1996 requesting to appear before the City Council regarding the issue of mitigation fees or the applicability of the dedication and off-site improvement sections of the City Code;
 - Letter dated March 14, 1996 from Mr. Gallantine's Certified Public Accountant showing tax return for the subject property; and
 - Copy of invoice dated March 25, 1995 showing amount paid for paving of the parking lot at the corner of Cherokee Lane and Vine Street.

The real issue is that Mr. Gallantine cleaned up, paved and installed security fencing around his property. He took an eye sore and fixed it up. And for improving this property, the City comes in and says he needs to pay \$20,000 in fees, make improvements and dedicate land. The City claims that Mr. Gallantine had costs during this 12-month period above the threshold indicated in the Code; however, Mr. Gallantine's actual cost of development (not the value of) was well below the threshold. Further, the City has given a moving target of the 12-month period, and he would like it defined. This is the first he has heard about a fence encroaching on City property on Vine Street. Also, Mr. Snider assured the Council that the business located there now is not a car detailing business; however, he is sure that they most likely clean the cars occasionally.

2. Richard Gallantine, 901 South Cherokee Lane, Lodi, spent his own money to vastly improve the mess that was there. He knew about the threshold and made sure not to exceed that amount; therefore, he was careful in his improvement expenses. Dedicating this land to the City will cost him money because he will have to, in addition to giving up some of his land, move the buildings that encroach over this land and put in curb, gutter and sidewalk. No permit was required to do the paving work on his own property; however, it did require an encroachment permit and he thought he took care of that requirement. He assured Council he will submit the required documentation regarding the driveway on Cherokee Lane. Mr. Gallantine feels that his problems began when he spoke up against the revitalization effort.

Public Portion of Hearing Closed

ACTION:

Following discussion regarding the appeal of Richard Gallantine, the City Council, on motion of Council Member Davenport, Mann second, unanimously referred the matter back to staff for further research and possible resolution, and further continued the Public Hearing to April 3, 1996.

FILE NO. CC-6 AND CC-56

7. RECESS

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

8. 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 continued Public Hearing to consider staff recommendations for funding of project proposals with Community Development Block Grant (CDBG) funds and approve several other program-related reallocations of funds.

Hearing Opened to the Public

1. Colleen Dixon, East Side Improvement Committee, P.O. Box 2444, Lodi, thanked the City for the recommendation for the Eastside Alley Lighting Project. The \$50,000 will put a small dent in the project, but it will help. In September 1995 it completed Phase I; Phase II is almost completed; and Phase III will require installing poles which is the most expensive part of the project;
2. Dwight Dauber, City of Lodi Parks Superintendent, commented he was glad to see the Council reinstate the Legion Park Project funding which is the highest priority of its projects. Lions Club is prepared to start its portion of the project, but cannot go out to bid until it has the money. The other Parks projects include upgrading the ADA requirements at the tot lots throughout the City and the Lodi Lake Playground Reconstruction;
3. Harry Marzolf, President East Side Improvement Committee, P.O. Box 2444, Lodi, also commented on the Eastside Alley Lighting Project. They have accomplished the alleyways on the east side, and they are now asking for funds for streets that are not currently lit. \$50,000 is a small amount in the bucket, but they will accept it. It will need another \$100,000 to complete the project;
4. Dorance Ochs, Loel Foundation, 1812 Burgundy Drive, Lodi, requested \$45,000 as seed money for an elevator to get to its large basement that has not been used because it is difficult to get to. They hope to be able to use it for a medical referral center represented with a staff member with the ability to refer persons to places where they can get care;
5. John Brinton, Family Law Service (located in Stockton), 165 St. Dominic Drive, Manteca, thanked the City Council for considering the staff's recommendation;

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6. Scott Keithley, 1543 Fawnhaven Way, Lodi, asked that the money be reallocated for the Legion Park Project so that the Lions Club may proceed; and
7. Richard Jones, Boys and Girls Club, 2445 South Ham Lane, Lodi, thanked the staff for the recommendation and the priority listing. The project began two years ago and Lodi was the only organization that did not have its own facility. Phase I and II are being completed with the help of the City of Lodi and the people of this community. The kids appreciate the support for the project. Phase III is ready to begin which will give a full service facility, including a library, educational center, gymnasium, health clinic, game room, etc. The Boys and Girls Club received news that the \$100,000 grant it applied for previously will not be approved at this time because there is a concern about its fund balance deficit.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Mann, Sieglock second, adopted Resolution No. 96-22 approving staff's funding recommendations for the 1996-97 CDBG entitlement as indicated in *Amended Chart A* (with further amendment to eliminate the funding for the Lodi Afterschool Playground Program which funds were added to the Legion Park Playground Retrofit Program) and approved several program related reallocations of funds by the following vote:

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

Noes: Council Members - Pennino

Absent: Council Members - None

FILE NO. CC-6, CC-55 AND CC-300

- b) (Due to a conflict of interest, Mayor Warner abstained from discussion and voting on this matter.)

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 California Waste Removal Systems (CWRS) proposed rates.

Hearing Opened to the Public

1. Jack Fiori, Business Development Director, California Waste Removal Systems, 1333 Turner Road, Lodi, explained the reason for the requested rate increase; and
2. Cindy Klein, California Waste Removal Systems, Lodi, answered questions regarding the rates and explained the difference between Lodi's rates and those of Galt, Sacramento County and San Joaquin County.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Sieglock, Mann second, took the following actions which increase residential and commercial refuse collection rates in 1996/97, by 4.17%, by the following vote:

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1. Adopted Uncodified Urgency Ordinance No. 1627 entitled, "An Uncodified Urgency Ordinance Of The City Council Of The City Of Lodi, Repealing Ordinance No. 1605 In Its Entirety, And Establishing New Rates For Residential Solid Waste Collection";
2. Adopted Uncodified Urgency Ordinance No. 1628 entitled, "An Uncodified Urgency Ordinance Of The City Council Of The City Of Lodi, Repealing Ordinance No. 1609 In Its Entirety, And Establishing New Rates For Commercial Solid Waste Collection"; and
3. Adopted Uncodified Urgency Ordinance No. 1629 entitled, "An Uncodified Urgency Ordinance Of The City Council Of City Of Lodi, Repealing Ordinance No. 1592 In Its Entirety, And Amending Lodi Municipal Code Chapter 13.16, Relating To Commercial 10 To 50 Cubic Yard Roll-Off Boxes".

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

FILE NO. CC-6, CC-22(b), CC-54 AND CC-149

9. VOTE TO CONTINUE WITH REMAINDER OF MEETING

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

10. 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 weed abatement proceedings involving various parcels within the City of Lodi to allow property owners having objections to the proposed removal of weeds to be heard and given due consideration.

Hearing Opened to the Public

There was no one wishing to speak on this matter.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Sieglock, Warner second, unanimously adopted Resolution No. 96-23 overruling objections and proceeding with weed abatement.

FILE NO. CC-24(b) AND CC-300

11. 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, Mann second, unanimously rejected the following claim:

1. James Fuchs and Doris Hammond, date of loss 8/21/95
FILE NO. CC-4(c)

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b) The following report was presented to the City Council:

1. Planning Commission report of March 11, 1996.

The City Council, on motion of Council Member Sieglock, Mann second, unanimously set a Public Hearing for April 17, 1996 to consider the following matter initiated by the Planning Commission:

- a) A General Plan Amendment to redesignate the area bounded by the future location of Tienda Drive on the north; the Woodbridge Irrigation District canal on the east; a line 300 feet north of West Kettleman Lane on the south and the Target Shopping Center on the west (i.e. portions of 1549 through 2249 West Kettleman Lane) from LDR, Low-Density Residential to O, Office-Institutional;
- b) To rezone the area bounded by the future location of Tienda Drive on the north; the Woodbridge Irrigation District canal on the east; a line 300 feet north of West Kettleman Lane on the south and the Target Shopping Center on the west (i.e. 1549 through 2249 West Kettleman Lane) from R-2, Single-Family Residential to RCP, Residential-Commercial-Professional; and
- c) Certification of a Negative Declaration as adequate environmental documentation on the above projects.

FILE NO. CC-35(A) and cc-35(c)

12. RECESS

Mayor Warner called for a ten-minute recess and the City Council meeting reconvened at approximately 11:17 p.m.

13. REGULAR CALENDAR

- a) Regarding Heritage School vicinity - various traffic studies, the City Council, on motion of Council Member Sieglock, Mann second, approved staff's recommendation to suggest to Lodi Unified School District (LUSD) to hire an adult crossing guard at the intersection of Garfield and Eden Streets and to suggest to LUSD that educational programs and Police enforcement be performed to address the problems observed, and further approved the installation of a four-way stop at the intersection of Garfield and Eden Streets to be reviewed after one year by the following vote:

Ayes: Council Members - Davenport, Mann and Sieglock

Noes: Council Members - Pennino and Warner (Mayor)

Absent: Council Members - None

Speaking on the matter were the following persons:

- 1. Linda Denman, Elementary P.E. teacher at Heritage School, 9333 Premier Way, Sacramento, spoke in favor of a four-way stop at Garfield and Eden Streets. For the past six years she, along with other teachers and the principal, have voluntarily performed crossing guard duties at this location because of the hazards at this intersection. A four-way stop and a trained crossing guard at that site would help tremendously; and

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2. Mary Graham, Principal at Heritage School, 8888 East Kettleman Lane, Lodi, also spoke in support of a four-way stop in this area. Every administrator at Heritage School, with much support from the parents, has asked for a four-way stop sign at Garfield and Eden Streets. Ms. Graham encouraged the City Council to make its decision based not on the number of cars and pedestrians, but on common sense.
 FILE NO. CC-48(a)

b) Regarding Elm Street west of Ham Lane (in front of Lakewood Mall) - parking study, the City Council, on motion of Council Member Mann, Davenport second, unanimously approved a time restriction for commercial vehicle parking every day between the hours of 9:00 a.m. and 9:00 p.m.

Speaking on the matter was Ric Forster, 1123 Green Oaks Way, Lodi, who spoke in support of the limited parking for semi-trucks which would provide additional safety exiting the driveways on the south side of the parcel. This is also unsightly for the businesses located there.
 FILE NO. CC-48(e) AND CC-48(k)

c) The City Council, on motion of Council Member Pennino, Mann second, adopted Resolution No. 96-24 establishing a part-time clerical position (Administrative Clerk II) as a full-time regular position in the Building Inspection Division of the Community Development Department by the following vote:

Ayes: Council Members - Mann, Pennino, Sieglock and Warner (Mayor)
 Noes: Council Members - Davenport
 Absent: Council Members - None
 FILE NO. CC-34 AND CC-300

d) The City Council, on motion of Council Member Mann, Sieglock second, introduced Ordinance No. 1630 amending Chapter 3.12 by adding Sections 3.12.112 and 3.12.114 relating to *Sale or Transfer* and *Successor Liability* in the Transient Occupancy Tax (TOT) code by the following vote:

Ayes: Council Members - Mann, Pennino, Sieglock and Warner (Mayor)
 Noes: Council Members - Davenport
 Absent: Council Members - None
 FILE NO. CC-6, CC-149 AND CC-177

e) The City Council, on motion of Council Member Mann, Warner second, allocated the funds and directed the Public Works Department to prepare a request for qualifications (RFQ) for the master planning of required changes to the Public Safety Building by the following vote:

Ayes: Council Members - Mann, Pennino and Warner (Mayor)
 Noes: Council Members - Davenport and Sieglock
 Absent: Council Members - None
 FILE NO. CC-6, CC-12.1(a) AND CC-14(a)

14. ORDINANCES

None.

15. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

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

- a) Council Member Davenport commented on the following matters: (1) Received a letter from California Waste that Jack Fiori is the new Business Development Director; (2) Received a letter supporting funding for the Boys and Girls Club, which is a moot issue since it is on the CDBG funding list; (3) Received letter regarding justification for the need for bus stops; (4) Acknowledged the Sister City Program and the visitors from Lodi, Italy; (5) Commented that the Council Members are invited to share in an energy restructuring meeting on April 24, 1996 with Senator Johnston and Assemblyman Bowler; (6) Stated that Street Superintendent George Bradley put together a memo on the railroads and the hazards in Lodi which are identified in color on a map; (7) Received protests and some petitions against the Central City Revitalization Assessment District; and (8) Expressed his concern regarding the article in the Lodi News Sentinel on March 10, 1996 about the \$17 million fund that does not show up in the audits. Council Member Davenport would like this investigated further on how that fund arose, where the money is and what to do with it. He has found unreported funds in the City before that were not authorized by the Finance Director and is concerned about that happening.
FILE NO. CC-6 AND CC-51(d)
- b) Council Member Pennino had the opportunity to go by the skate park last Saturday to watch the kids. They had a great turnout. It is exciting that this whole project was done by the parents and kids. There is, however, a downside--a youth broke his wrist. Also, Mr. Pennino received a phone call regarding a girl that wants to play baseball but cannot because of competitive sports. Her father is protesting this decision. Council Member Pennino directed the City Manager, along with the Parks and Recreation Commission, to resolve this matter. The City Manager reported that he had the opportunity to speak to Keith Land with the Parks and Recreation Commission who suggested that the matter be referred to them for resolution.
FILE NO. CC-6 AND CC-40
- c) Council Member Sieglock also commented on the \$17 million. It was wrong that the Department Head did not disclose this money to the City Council and he should apologize to the other Department Heads who play by the rules. It is a breach of faith and trust. Council Member Sieglock is glad the money is there, however, and it should stay with the Electric Utility Department to assist in the deregulation process.
FILE NO. CC-6 AND CC-51(d)
- d) Mayor Warner attended meetings with the Northern California Power Agency (NCPA) and also a deregulation seminar at the National League of Cities (NLC) Conference. The \$17 million will be needed in the department as the City goes through deregulation of electric utilities. In fact it might not be enough money. Further, Mayor Warner attended the NLC Conference in Washington D.C. and because of the late hour will give a report on the conference at another date.
FILE NO. CC-6 AND CC-51(d)

17. ADJOURNMENT

There being no further business to come before the City Council, Mayor Warner adjourned the meeting at approximately 1:08 a.m., Thursday, March 21, 1996.

ATTEST:

Jennifer M. Perrin
City Clerk