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CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, APRIL 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, Public Works Director Ronsko, City Engineer Prima, Community Development Director Bartlam, Economic Development Coordinator Goehring, Finance Director McAthie, City Attorney Hays and City Clerk Perrin

2. INVOCATION

The invocation was given by Jerry Glenn, Assistant City Manager.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Warner.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Warner presented a proclamation to Captains Al and Stella Parker with the Lodi Salvation Army proclaiming the week of May 5 - 11, 1996 as "Lodi Salvation Army Week". Mayor Warner and his wife were invited to attend the Salvation Army Civic Annual Dinner on Wednesday, May 8, 1996.  
FILE NO. CC-37
- b) Mayor Warner presented a proclamation to Diana Slawson proclaiming the month of May 1996 as "Lodi Pride - Community Wide" in the City of Lodi. This is an opportunity to develop community support, to clean up the areas that have been neglected, and to aid senior citizens with various home repairs. Ms. Slawson introduced the following supporters who gave a report on the various events. Jack Fiori with California Waste announced the Dollar Dump Day on April 28, 1996. Residents can bring residential refuse, excluding hazardous waste, to the transfer station on Turner Road. There is no maximum allowable. On April 30, 1996, California Waste will provide curb side pickup of household items. The bulk clean up days will be on May 4, 11, 18 and 25, and the dumpsters will be located in common areas of the City. Harry Marzolf with the East Side Improvement Committee expressed his belief that this is a good way to keep Lodi clean and to show that we are proud of our City. Julie Evans, Code Enforcement Officer for the City of Lodi, encouraged all citizens to participate in these events. Neal Anderson, Youth Leader for the LDS Church and Volunteer Community Coordinator for this program, is helping to coordinate the volunteers for the various events. On May 11 and 18 they are sponsoring an alley cleanup along with the bulk pickup being done by California Waste. On May 18, 1996 there will be a barbecue at Hale Park to thank those who participated. Kirk Evans, Administrative Assistant to the City Manager, announced the City-wide garage sale on Saturday, April 27, 1996. The Lodi News Sentinel will publish ads for \$2, and California Waste will collect any items left over from the sale. The City of Lodi Street Division will be participating in the alley clean up and will also clean the streets where vehicles continuously park, and afterwards will follow up with street sweeping and spraying of weeds. The Senior Fix Up Day will be on May 4, 1996.  
FILE NO. CC-37

- c) Mayor Warner presented a proclamation to Mr. Cotton and Mr. Murray of the Lodi Boys and Girls Club, proclaiming the week of April 15 - 20, 1996 as "National Boys and Girls Club Week" in the City of Lodi. This gives local clubs an opportunity to show off their best with several events, and the public was invited to come to its facility to learn more.  
FILE NO. CC-37
- d) Council Member Pennino congratulated Council Member Sieglock for the new addition to his family. Council Member Sieglock announced that on Thursday, April 11, 1996 his son Chris celebrated his 9th birthday. On Friday, April 12, 1996 his daughter Amanda Leigh was born weighing in at 9 lbs. 4 oz. and 20 inches long. Also, Mr. Sieglock wished his wife Brenda, "Happy Birthday!" today.
- e) Ann Areida-Hintz, Senior Services Coordinator with Hutchins Street Square, presented a report regarding "Senior Home Repair Day" which will be held on May 4, 1996 in conjunction with the Lodi Pride - Community Wide events. This event is a creation of the Kiwanis Noon Club and is coordinated by Hutchins Street Square. Currently there are six clubs volunteering with this event. Senior Home Repair Day is for low-income seniors who need assistance with any kind of minor repair. Mrs. Hintz thanked the East Side Improvement Committee for donating 40 motion detector lights for this event. The first 40 seniors who call will get a free, professionally installed light. Anyone interested was urged to call Hutchins Street Square at 369-6921. The clubs participating are Lodi Rotary Club, Lockeford-Clements Kiwanis Club, Lodi-Sunrise Lions Club, Lodi Kiwanis Club, Kiwanis Club of Greater Lodi and Lodi Noon Lions Club.  
FILE NO. CC-169

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5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$3,753,476.86.  
FILE NO. CC-21(a)
- b) The Minutes of March 27, 1996 (Joint Meeting with Arts Commission) were approved as written, and the minutes of April 3, 1996 (Regular Meeting) were approved subject to verification of Council Member Davenport's memorandum (copy of which is on file in the City Clerk's office) requesting transcript of April 3, 1996 Council Meeting, "Comments by Council Members" section, and requesting corrections to item 14(f) under "Comments by City Council Members".  
FILE NO. CC-1(b)
- c) Approved the specifications for bids for nine 50KVA polemount transformers and eleven three-phase padmount transformers of various classes and sizes and authorized advertising for bids.  
FILE NO. CC-12.1(b)
- d) Approved the specifications for bids for a total of 41 'Class 3' and 12 'Class 1' wood utility poles in various quantities and sizes and authorized advertising for bids.  
FILE NO. CC-12.1(b)
- e) Approved specifications for bids for 18,000 feet of #350Kcmil 600-volt underground triplex and authorized advertising for bids.  
FILE NO. CC-12.1(b)

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- f) Approved specifications for bids for utility duct and fittings for the Electric Utility Department and authorized advertising for bids.  
FILE NO. CC-12.1(b)
- g) Adopted Resolution No. 96-31 awarding the bid for the purchase of 175 high-pressure sodium luminaires to the low bidder, GE Supply Company of Sacramento, in the amount of \$15,131.60.  
FILE NO. CC-12(d) AND CC-300
- h) Adopted Resolution No. 96-32 amending Traffic Resolution No. 87-163 by approving the installation of a four-way stop control at Poplar Street and Washington Street.  
FILE NO. CC-48(h) AND CC-300
- i) Agenda item #E-9 entitled, "Set Public Hearing for May 15, 1996 to consider increasing water rates" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport.)
- j) Agenda item #E-10 entitled, "Resolution authorizing and approving the execution and delivery of agreements and information required under Securities and Exchange Commission (SEC) Rule 15c2-12 (continuing disclosure)" was pulled from the agenda pursuant to staff's request.

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6. ACTION ON ITEM REMOVED FROM CONSENT CALENDAR

- a) The City Council, on motion of Mayor Warner, Mann second, set Public Hearing for May 15, 1996 to consider increasing water rates by the following vote:  
  
Ayes: Council Members - Mann, Pennino, Sieglock and Warner (Mayor)  
Noes: Council Members - Davenport  
Absent: Council Members - None  
FILE NO. CC-56 AND CC-183(e)

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 adoption of Uniform Fire Code - 1994 as approved by the State of California.

ACTION:

The City Council, on motion of Council Member Pennino, Davenport second, unanimously tabled indefinitely the Public Hearing to consider adoption of Uniform Fire Code - 1994 as approved by the State of California. Staff will schedule the matter for discussion at a future Shirtsleeve Session.  
FILE NO. CC-6 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 adoption of the updated Urban Water Management Plan.

ACTION:

The City Council, on motion of Council Member Sieglock, Mann second, unanimously continued the subject Public Hearing to May 1, 1996.  
FILE NO. CC-6 AND CC-183(d)

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- 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 the following Planning Commission recommendation:
  - 1. 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;
  - 2. 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. portions of 1549 through 2249 West Kettleman Lane) from R-2, Single-Family Residential to RCP, Residential-Commercial-Professional; and
  - 3. Certify Negative Declaration as adequate environmental documentation on the above projects.

**ACTION:**

The City Council, on motion of Council Member Sieglock, Pennino second, unanimously continued the subject Public Hearing to May 1, 1996.  
FILE NO. CC-35(a) AND CC-53(a)

8. COMMUNICATIONS (CITY CLERK)

- a) City Clerk Perrin read the following ABC Licenses:
  - 1. Rodolfo Calderon, Richelle Garcia and Angelo Mercado, Don Luis Restaurant, 28 North School Street, Lodi, On-Sale Beer and Wine, Original License; and
  - 2. Christian Knox to French Camp LLC (Norman and Diane Crum), Norm's BP, 633 East Victor Road, Lodi, Off-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 April 8, 1996  
FILE NO. CC-35(c)

9. REGULAR CALENDAR

- a) The City Council took the following actions regarding the Central City Revitalization Assessment District:
  - 1. On motion of Council Member Mann, Warner second, adopted Resolution No. 96-35 certifying the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation for the Lodi Central City Revitalization Project by the following vote:
    - Ayes: Council Members - Mann, Pennino, Sieglock and Warner (Mayor)
    - Noes: Council Members - Davenport
    - Absent: Council Members - None

- 2. On motion of Council Member Mann, Warner second, indicated its *intent* to direct the engineer to remove the property east of the railroad property in Zone A, to modify the boundary map and to amend the Engineer's Report to add to the City's contribution the amount of the assessment being removed by the following vote:

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

- 3. On motion of Council Member Mann, Warner second, adopted Resolution No. 96-33 overruling protests, determining convenience and necessity, directing the engineer to remove the property east of the railroad property in Zone A, modifying the boundary map, increasing the City's contribution by the amount of the assessment being removed, confirming the Engineer's Report as amended and ordering acquisitions and improvements in the Central City Revitalization Assessment District by the following vote:

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

- 4. On motion of Council Member Pennino, Warner second, authorized the City Manager and City Clerk to execute Assessment Deferment and Reimbursement Agreements for the Lodi Central City Revitalization Assessment District No. 95-1 and approved the specifications for trees for the Central City Revitalization Project and authorized advertising for bids by the following vote:

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

- 5. On motion of Council Member Sieglock, Mann second, adopted Resolution No. 96-34 approving the \$5,000 contract for Assessment District administrative services to NBS/Lowry, Inc. by the following vote:

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

Council Member Davenport (prior to discussing this matter) stated for the record that he believes that, after reading the Engineer's Report, the protesters have won the downtown district (not sure about the Cherokee Lane district) and the City should not continue with this item on the agenda. The Engineer's Report reads on Page 17 that all public property is exempt and should not be included, which would make the protesters win.

Speaking on the matter were the following persons:

- 1. Ann Meyers, 131 South Avena Drive, Lodi, indicated that since the revitalization has been brought up, there has been an increase in calls for rental space;
- 2. Mark Ehlers, 217 North Sacramento Street, Lodi, commented on the legalities of the deferral process to property owners, the attempt by Council to refrain from hearing protests at the April 10, 1996 public hearing, the use of City-owned property originally excluded in the district map and then added to the map later, the use of City staff in notifying property owners who issued protests to rescind protests, and the disregarding of 6.0% protests in writing given to the City of Lodi;

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3. Jim Mitchell, 105 South School Street, Lodi, has been a merchant downtown for over 20 years and feels that the downtown desperately needs help. Mr. Mitchell urged Council's support;
4. John Gerlack, 101 North Loma Drive, Lodi, stated his belief that staff did not do a good job on validating the invalid protests. Mr. Gerlack was able to track down a few incorrect property owners on the assessor's role by reviewing the Grant Deeds. Further, Mr. Gerlack informed Council that the Diamond National property closed escrow the day before the protest hearing closed, and he should be the one signing if he is opposed. Throwing in the City property at the last go around is wrong;
5. Frank Bachman, Frank's Business Machines, stated he is 100% in favor of the revitalization effort. This a great opportunity for Lodi to grow and flower -- he does not want to see the project go down in flames because we nit pick;
6. Gary Anderson, President and Owner of 224 and 226 Main Street, Lodi, shared with the City Council that his property closed escrow on April 10, 1996. Mr. Anderson feels that Lodi does need the revitalization; however, does not feel the process has been fair to the people, especially to those east of the railroad. No one informed him that the property he was buying might have this assessment;
7. Jim McCarty, 220 North Cherokee Lane, Lodi, represents the committee on Cherokee Lane of which approximately 65% of the people are opposed to the Cherokee Lane assessment district. Unfortunately many of those land owners have small parcels, and they are up against the landowners in that area who have large parcels. Mr. McCarty protested for the record the parcel at the Seventh Day Adventist School which consists of approximately 230,000 square feet. The Cherokee Lane protest vote is too close to call. Business and sales tax are up and will continue to increase, but that is because business in general is on the upswing. What hit Cherokee Lane so bad is that the City lost 2,000 jobs by business closures within a two mile radius of Cherokee Lane in the last three years. Most of the businesses on Cherokee Lane do not like this particular design. Mr. McCarty would like the counting of the protests to be done by unbiased, impartial persons (not by the bond counsel, engineer or staff). Mr. McCarty would also like staff to investigate where the hotel/motel tax monies have gone for the past 10 years and was any of it directed back to Cherokee Lane. Instead of this revitalization, the City can operate under Ordinance No. 1140 regarding dedication of property for curb, gutter and sidewalk. In closing, modify the plan, save the left turn lane, and do not install a median;
8. Roy Collins, 217 East Pine Street, Lodi, stated he resents the way the City has handled itself in this process. He is not saying that the City has done anything illegal; however, there is a perception that certain things border on unethical (i.e., staff asking people to withdrawal their protest; the incorrect statement that if a property owner who was eligible for a deferment protested, he or she would not be eligible for the deferment should it be successful; deals with properties owners in return for not protesting the district; etc.). The City must be up front and ensure the public is informed on what counts and what does not count. It is a shame that the vote is based on square foot and not people, because the vast majority of the people in the districts are against this. With regard to Council Member Pennino's statement at the Shirtsleeve Session on April 16, 1996, Mr. Collins did not purposely come in "on the 11th hour". His property was never considered a part of downtown in the past; otherwise, he would have been there during the early meetings to provide input;

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7. Tony Segale, Chairperson for the Central City Revitalization Task Force, 204 North Sacramento Street, Lodi, expressed his support for the project and urged Council to move forward. A lot of time has been put into this project, don't waste any more;
8. Morgan White, JCPenney building owner, urged the approval of this project. JCPenney has slowly been decreasing in its income over the years. The building has been re-rented and is getting back on its feet. However, if things are not changed downtown, it will be a detriment to the businesses there. The vote shows that the City Council should move forward -- don't cause any more delays;
9. Barbara McWilliams, Posers TV and Radio, 208 South School Street, Lodi, hopes that after tonight this project will get moving. Things are doing well now and the road will not be an easy one, but we must continue as merchants and support groups to keep things moving. Ms. McWilliams urged the City Council to accept the project in its entirety.

FILE NO. CC-6, CC-72, CC-300 AND CC-400

10. RECESS

Mayor Warner called for a fifteen minute recess and the City Council meeting reconvened at approximately 9:45 p.m.

11. REGULAR CALENDAR (Continued)

- a) The City Council, on motion of Council Member Mann, Sieglock second, unanimously determined it would adjourn this meeting to April 23, 1996 at 7:00 a.m. for discussion and action regarding agenda item #H-2 entitled, "Contract award for Well 4R tank and pump station project, 1215 Thurman Street (approx. \$1,8000,000) and certify Negative Declaration".  
FILE NO. CC-12(a) AND CC-300
- b) The City Council, on motion of Council Member Pennino, Mann second, unanimously continued to the meeting of May 1, 1996 agenda item #H-3 entitled, "Approve Request for Proposal (RFP) for management and operations services for City of Lodi transit".
- c) The City Council, on motion of Council Member Mann, Sieglock second, unanimously authorized the increase in liability insurance limits for transit operations from \$5,000,000 to \$10,000,000 per occurrence (this insurance is purchased through the California Transit Insurance Pool (CAL TIP), a joint-power agency which insures our transit system).  
FILE NO. CC-21.1(a) AND CC-50(a)
- d) The City Council, on motion of Council Member Pennino, Sieglock second, unanimously received report from the City Manager regarding City accounts (copy of full report on file in the office of the City Clerk).  
FILE NO. CC-6 AND CC-51(d)
- e) Agenda item #H-6 entitled, "Electric Utility Department 1995-97 Financial Plan and Budget" was pulled from the agenda pursuant to staff's request.

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12. VOTE TO CONTINUE WITH REMAINDER OF MEETING

The City Council, on motion of Council Member Mann, 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 - Davenport, Mann, Sieglock and Warner (Mayor)

Noes: Council Members - Pennino

Absent: Council Members - None

13. ORDINANCES

None.

14. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) George Duhanrack (*unsure of last name*), Tokay Street, questioned what happens to the bail money that the Police Department takes in and is it tracked and put into an interest bearing account. It was explained that bail money goes to the court system and not the police department.

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

- a) Council Member Davenport thanked everyone for coming to the meeting and commented on the following matters: 1) Be ever mindful of gangs; 2) Suggested that the City Council at every meeting be given a list of building permits and plans submitted for plan check. Council does not always know what plans are under advisement; 3) Understands that there will be changes on the annexation at Taylor Road to change the addresses into the City; 4) Requested a report regarding the Library generator. The City is paying substantial rent for the generator and has had extensive repairs. City Manager Flynn indicated he would request a report from the Library; 5) Questioned why the TV cameras were not at the April 10, 1996 meeting. The City Council was discussing an \$8 million decision. Mr. Davenport suggested that the City Clerk send a list of all meetings to the Cable Company; 6) Still waiting for a report on the accounting of the asset seizure fund; and 7) Informed the public that Law Day will be held on April 26, 1996.

16. ADJOURNMENT

There being no further business, the City Council, on motion of Council Member Pennino, Warner second, unanimously adjourned the meeting at approximately 11:08 to April 23, 1996 at 7:00 a.m.

ATTEST:

Jennifer M. Perrin  
City Clerk