

**CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MAY 15, 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, Community Development Director Bartlam, City Attorney Hays and Deputy City Clerk Taylor

2. INVOCATION

The invocation was given by Pastor Bill Crabtree, Emanuel Lutheran Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Warner.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Warner, with assistance from Virginia Snyder, East Side Improvement Committee, presented a proclamation to Paul Tarbell, Director of the Salvation Army Archway Shelter, recognizing its contributions to the Lodi Pride - Community Wide event. Mr. Tarbell thanked his staff members whose assistance and hard work makes all the difference.  
FILE NO. CC-37
- b) Mayor Warner presented a proclamation to Public Works Director Ronsko proclaiming the week of May 19 - 25, 1996 as "National Public Works Week" in the City of Lodi. Mr. Ronsko passed out buttons to Council Members and announced the week-long celebration is to recognize employees who provide citizens with services usually taken for granted including fresh water, free flow sewer lines, safe street traffic, clean streets, and functioning storm drains. Events include Council Members cooking breakfast for Public Works employees, tours for Preschool through second grade youngsters, and a baseball game and barbecue with Stockton Public Works employees to round off the celebration.  
FILE NO. CC-37
- c) Mayor Warner presented a proclamation to Virginia Snyder with the East Side Improvement Committee (ESIC) proclaiming the week of May 12 - 18, 1996 as "National Historic Preservation Week" in the City of Lodi. Ms. Snyder stated Lodi has a rich and varied history with several wonderful old buildings, and reminded Council that the ESIC is currently working to create recognition for Lodi's many American Bungalows.  
FILE NO. CC-37
- d) Mayor Warner presented a proclamation to Julie Ballard with American Medical Response (AMR) and Captain Richard Newman with the Lodi Fire Department proclaiming the week of May 19 - 25, 1996 as "Emergency Medical Services Week" in the City of Lodi. Jack Casey of the Fire Department spoke on behalf of the fire department and AMR employees in thanking Council for the proclamation, and for their support.  
FILE NO. CC-37

- e) Dr. Judith Jones, Consultant to the San Joaquin County Health Care Services, made a presentation to the City Council regarding the Family Preservation and Family Support Program Plan. The federal program, initiated to focus on children and families, works to involve the community on several levels, with \$500,000 given so far to 15 projects regarding Family Preservation. Two Lodi projects were sponsored by the Salvation Army and Big Brothers/Big Sisters. Dr. Jones introduced individuals working together to prevent youth from getting involved in drugs and crime: Stacey Warner, Harry Marzolf and Virginia Snyder, East Side Improvement Committee; Dee Porter, Gang Alternative Project; Mary Laughlin, Big Brothers/Big Sisters; and Paul Tarbell, Salvation Army.  
FILE NO. CC-7(b)
- f) Tony Goehring, Economic Development Coordinator, introduced Mark Chandler, Executive Director of the Lodi-Woodbridge Winegrape Commission, and thanked Mark and the other committee members who developed the art design: Les Dabritz, Diana Slawson, Shawna McCabe, Tony Segale, Mike Reese, and Dave Spencer. Mr. Chandler made a presentation to the City Council regarding the new art work for the City-leased 3M advertising billboards, which states "Taste, Shop and Dine in Lodi, USA's Winegrape Capital". The artwork was created by Bob Miller and Company, Sacramento, at a cost of \$5,000 to the Winegrape Commission. On a separate note, Mr. Chandler announced Weibel Winery will soon move to the site previously occupied by Canandaigua Winery.  
FILE NO. CC-6
- g) Police Chief Hansen made a presentation to the City Council regarding the 10th Annual Crime Prevention Fair to be held on Sunday, May 19, 1996, and presented Council with coffee mugs. Hosted by Lodi Police Department, Lodi Fire Department and the Lodi Festival Grounds, the family event will feature demonstrations by the fire department and police, including the SWAT team, equestrian unit, K-9 unit, and Stop, Drop and Roll. Admission and parking is free, and Council and citizens are encouraged to attend.  
FILE NO. CC-152

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5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$3,506,750.77.  
FILE NO. CC-21(a)
- b) The Minutes of May 1, 1996 (Regular Meeting) were approved as written.
- c) Accepted the first quarterly report of the City of Lodi pooled money investment account as required by SB564.  
FILE NO. CC-21(a)
- d) Approved the plans and specifications for bids for Cluff Avenue and Ham Lane Street Overlays and authorized advertising for bids.  
FILE NO. CC-12.1(c)
- e) Approved the plans and specifications for bids for 1996 Handicap Ramp Retrofit Project and authorized advertising for bids.  
FILE NO. CC-12.1(c)
- f) Approved the plans and specifications for bids for Legion Park Improvements, 835 South Hutchins Street and authorized advertising for bids.  
FILE NO. CC-12.1(c)

- g) Approved the specifications and advertisement for bids for rock and sand material for fiscal year 1996/97 and authorized advertising for bids.  
FILE NO. CC-12.1(b)
- h) Approved the specifications for bids for asphalt material for fiscal year 1996/97 and authorized advertising for bids.  
FILE NO. CC-12.1(b)
- i) Agenda Item #E-9 entitled, "Specifications and advertisement for bids for walk-behind trencher for the Parks Division" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Pennino)
- j) Adopted Resolution No. 96-47 awarding a sole source contract to Aqua Pool, Ripon, to hand-lay a new fiberglass coating over existing plaster surface according to plans and specifications.  
FILE NO. CC-12(a) AND CC-300
- k) Adopted Resolution No. 96-48 awarding the bid for the purchase of 53 wood utility poles (various sizes of Class 1 and Class 3) to the low bidder, Koppers Industries of Denver, Colorado, in the amount of \$29,504.11.  
FILE NO. CC-12(d) AND CC-300
- l) Adopted Resolution No. 96-49 awarding the bid for the purchase of power utility duct and fittings to the low bidder, Consolidated Electrical Distributors of Lodi in the amount of \$14,181.02.  
FILE NO. CC-12.1(b)
- m) Adopted Resolution No. 96-50 awarding the bid for the purchase of 18,000 feet of #350Kcmil 600-volt XLPE triplex cable to the low bidder, BICC Utility Cables of Huntington Beach, California, in the amount of \$30,935.03.  
FILE NO. CC-12(d) AND CC-300
- n) Adopted Resolution No. 96-51 awarding the purchase of thirteen reclining chairs for the Fire Department Day Room to the low bidder, California Office Furniture of Sacramento, in the amount of \$6,023.23.  
FILE NO. CC-12(d) AND CC-300
- o) Adopted Resolution No. 96-52 authorizing the purchase of one Xerox Model 5385 high-volume copier from the Xerox Corporation, using pricing under Los Angeles County's Purchase Agreement with Xerox, for the amount of \$24,001.36.  
FILE NO. CC-12(d) AND CC-300
- p) Accepted the improvements under the "Almond Drive Street Improvements, Stockton 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
- q) Adopted Resolution No. 96-53 accepting the development improvements for Towne Ranch, Unit No. 4, Tract No. 2632.  
FILE NO. CC-46 AND CC-300
- r) Agenda item #E-18 entitled, "Improvement Agreement Addendum and acceptance of improvements in Lodi West, Unit No. 2, Tract No. 2658" was pulled from the agenda pursuant to staff's request.

- s) Adopted Resolution No. 96-55 approving Program Supplement No. 011 to State-Local Transportation Partnership Program Agreement No. SLTPP-5154 for AC Overlay Program at Two Locations.  
FILE NO. CC-90
  - t) Introduced Ordinance No. 1633 amending the contract between the Board of Administration of the Public Employees' Retirement System (PERS) and the City of Lodi to include 1) credit for unused sick leave and 2) the position of fire inspector as a safety member.  
FILE NO. CC-34, CC-90 AND CC-149
  - u) Adopted Resolution No. 96-56 approving the City of Lodi Non-Disposal Facility Element.  
FILE NO. CC-54 AND CC-300
  - v) Set Public Hearing for June 19, 1996 to consider San Joaquin County Integrated Solid Waste Management Summary Plan and Countywide Siting Element.  
FILE NO. CC-54
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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Pennino, Warner second, unanimously approved the specifications for bids for walk-behind trencher for the Parks Division and authorized advertising for bids.  
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 Notice of Public Nuisance and Order to Abate issued on property located at 433 East Locust Street (APN 043-201-0025).

**ACTION:**

The City Council, on motion of Council Member Sieglock, Mann second, unanimously continued the Public Hearing to June 5, 1996 to consider Notice of Public Nuisance and Order to Abate issued on property located at 433 East Locust Street (APN 043-201-0025).  
FILE NO. CC-14(a) AND CC-24(b)

- 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 receive input on the Federal Transit Authority (FTA) funds for 1995/96 and 1996/97.

Hearing Opened to the Public

- 1. No one wished to speak on the matter.

Public Portion of Hearing Closed

**ACTION:**

No action was necessary on this item.  
FILE NO. CC-50(a)

- 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 increasing water rates.

**ACTION:**

The City Council, on motion of Pennino, Warner second, continued the Public Hearing to June 5, 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-183(e)

8. **COMMUNICATIONS (CITY CLERK)**

None.

9. **REGULAR CALENDAR**

a) Agenda item #H-1 entitled, "Plans and specifications and advertisement for bids for Central City Improvements - Cherokee Lane" was pulled from the agenda pursuant to staff's request.

b) The City Council, on motion of Council Member Sieglock, Mann second, authorized the Police Department to move its Investigations Division into the basement of the Carnegie Forum (which includes approval of construction costs and architectural services, purchase of office systems furniture, data and telecommunications removal and installation, purchase of audio/video equipment and other computer-related equipment and the appropriation of \$168,000.00 from the Police Department Mitigation Impact Fees for this project), by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

Council Member Pennino requested recordation of the expenditure of fees be included in the 1996/97 budget for fund tracking purposes.

FILE NO. CC-6, CC-21(a), AND CC-152

10. **ORDINANCES**

a) Ordinance No. 1631 entitled, "An Ordinance Of The Lodi City Council Amending The Land Use Element Of The Lodi General Plan By Redesignating The Area Bounded By The Future Location Of Tienda Drive On The North; The Woodbridge Irrigation Canal On The East; A Line 500 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" having been introduced at a regular meeting of the Lodi City Council held May 1, 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 - Davenport, Mann, Pennino, Sieglock and Warner (Mayor)

Noes: Council Members - None

Absent: Council Members - None

FILE NO. CC-35(a), CC-53(a) AND CC-149

- b) Ordinance No. 1632 entitled, "An Ordinance Of The Lodi City Council Amending The Official District Map Of The City Of Lodi And Thereby Rezoning The Area Bounded By The Future Location Of Tienda Drive On The North; The Woodbridge Irrigation District Canal On The East; A Line 500 Feet North Of West Kettleman Lane On The South And The Target Shopping Center On The West, Being Portions Of The Parcels Located At 1549 Through 2249 West Kettleman Lane From R-2, Single-Family Residential To RCP, Residential-Commercial-Professional With A Condition Relating To School Facilities Funding" having been introduced at a regular meeting of the Lodi City Council held May 1, 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 - Davenport, Mann, Pennino, Sieglock and Warner (Mayor)

Noes: Council Members - None

Absent: Council Members - None

FILE NO. CC-35(a), CC-53(a) AND CC-149

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Arilee Pollard, 1739 LeBec Court, Lodi, spoke in protest of the termination of Fire Chief Hank Howard, stating she doesn't know all the details, and asked that Mr. Flynn explain why Mr. Howard was fired, and why department heads have no security. She added that she hoped the city had more compassion regarding personnel policies.
- b) Joe Fries, 2213 Corbin Lane, Lodi, reiterated Mrs. Pollard's comments, claiming shock at Mr. Howard's termination and the seeming unfairness when everyone else has procedures to follow regarding terminations except department heads. He further stated he doesn't feel Hank was given a fair shake.
- c) Doris Fries, 2213 Corbin Lane, Lodi, asked why Chief Howard was terminated without explanation.
- d) Hilde Equitz, 901 Dorchester Circle, Lodi, asked for an explanation as to why Chief Howard was terminated without a reason.
- e) Janet Pruss, 2421 Diablo Drive, Lodi, stated she has had many inquiries regarding the termination of Hank Howard and feels the public is entitled to some type of explanation and answer to their questions regarding this action.
- f) Virginia Lahr, 311 East Elm Street, Lodi, stated that she has been receiving fabulous reports regarding the code enforcement program headed by Community Improvement Manager Joseph Wood and Community Development Director Konradt Bartlam. They are doing a great job on code enforcement and cleaning up several areas in Lodi.
- g) City Attorney Hays addressed public comments regarding Hank Howard's termination by stating personnel matters are very sensitive, and there are several reasons why no comments will be made at this time. Particularly, the Brown Act states comments can be made by the public on non-agenda items, but responses are not allowed. A response would have to be made after putting it on an agenda. Mr. Hays further stated legal rights of a personnel issue put the Council in the position of not being able to address the public openly regarding these types of items because of litigation issues. For the City Council or staff to do so subjects them to potential litigation circumstances due to privacy rights violations, and possibly demeaning comments regarding background and integrity. For these reasons, personnel issues will not be addressed in open forum.

FILE NO. CC-6

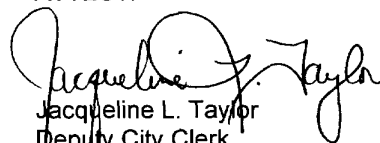
12. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Davenport thanked everyone for coming to the meeting, which turned out to be very short, and commented on the following matters: 1) Stated he empathized with Hank Howard, was glad citizens are showing concern, and noted it has extra meaning to him since he lived it and had been through the same sort of thing himself. He wished Mr. Howard well in the future; 2) Reminded everyone to be ever mindful of gangs, to know where your children are and what they're doing, and to stop graffiti and social problems; 3) Proposed a suggestion box on a 3-month trial basis, to be placed on city grounds for the collection of citizen suggestions to be read at the next Council meeting. No derogatory remarks and character assassinations like what his family has received from the Lodi News Sentinel attacking his family over the years, but ideas from citizens who don't attend meetings but wish to be heard; 4) Received a list of persons opposed to the proposed Plummer Pontiac project; 5) Received information regarding Measure R (keeping the library open); 6) Has an update on the Hotel Lodi rehabilitation project from the Community Development Department, indicating the project will start in May 1996 with occupancy proposed in May 1998; 7) Received two letters supporting the Bridgetown park being located directly beside Wine and Roses; 8) Received a letter regarding a noise reduction fence at Kofu Park, and noted the item will appear on a future meeting agenda; 9) Received a letter commending the GrapeLine bus services; 10) Has a letter from a store on Cherokee Lane requesting possible median modifications; 11) Announced meetings have been held regarding the Investment Policy and Internal Control Guidelines, and noted it's good to see, and is available for review; 12) Remarked on attending Tuesday's shirtsleeve session regarding the Financial Plan review for the 1996/97 budget.
- b) Council Member Mann publicly acknowledged the passing away of Ed Oxy Ehrhard, a former police sergeant who made great contributions to society and particularly Lodi, stating those who knew him, loved him. Mr. Mann noted Mr. Ehrhard taught him the basics of darkroom photography.
- c) Council Member Sieglock announced that on June 4, 1996 there is a special election, "Measure R", regarding a sales tax for the funding of libraries, a measure which he opposes. Mr. Sieglock hoped that whether for or against it, citizens get out and vote, exercising one of the precious freedoms we have as Americans. Further, Mr. Sieglock was contacted by Riney Bender from the American Legion with concern about high park fees which lost Lodi a tournament to a neighboring location. Mr. Sieglock, with Council concurrence, requested staff prepare a layout of current park fees for Council review. Mr. Sieglock noted he has also received letters regarding a fence at Kofu Park and is interested in seeing that on a future meeting agenda.
- d) Council Member Pennino stated he was at the state capital recently representing the League of California Cities Housing, Community & Economic Development Committee, and noted the annexation bill before the Appropriates Committee was voted down. Assemblyman Sweeney has committed to continue working on the bill, and will help it to move forward. Mr. Pennino will keep Council apprised of activities regarding this subject.

13. ADJOURNMENT

There being no further business to come before the City Council, Mayor Warner adjourned the meeting at approximately 8:25 p.m.

ATTEST:

  
Jacqueline L. Taylor  
Deputy City Clerk