

**CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 5, 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, Parks and Recreation Director Williamson, Parks Superintendent Dauber, Police Chief Hansen, Interim Fire Chief Ortiz, Fire Marshal Raddigan, Finance Director McAthie, City Attorney Hays and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Hans Wiersma, St. Paul's Lutheran Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Warner.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) The City Council heard a presentation from Parks Superintendent Dauber regarding local service clubs and groups involved in projects at Lodi Lake. The following clubs/groups were recognized:

Lodi Rotary, Gary Koepplin, President / Lodi-Tokay Rotary, Ed Craig, President

- Donated \$4,000 to help offset the 4th of July Fireworks and will oversee the activities at the lake during this year's event.
- Donated 12 trees to Lodi Lake.
- Constructed four concrete slabs for picnic tables in the beach area of Lodi Lake.

Friends of the Lake, Norm Nichols, President

- Planted 12 trees in the Lodi Lake Youth Area and the main trailer area, trees were donated by the Lodi-Tokay Rotary.
- Cleared one of the lagoons of the debris and weeds.
- Refurbished the gazebo near the Discovery Center.
- Installed and maintained several landscaped areas including an herb garden, Japanese garden, wilderness area entry landscaping and lagoon landscaping.

Friends of the Lake is a volunteer group and is in the process of becoming a non-profit organization which would be set up as a membership organization. Parks and Recreation Commissioner Keith Land presented the Friends of the Lake with its first check towards membership for the Land Family.

Nature Area Docent Council, Bill Bjorkquist, President

- This group has been involved with docent programs at Lodi Lake for several years. Hundreds of volunteer hours have been instrumental in making the wilderness area a creditable educational experience to groups and local and

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regional schools. A new docent training class is scheduled to start in late September with hopes of expanding this valuable program.

Japanese American Citizens League (JACL), Dennis Morita, President of Lodi League

- Donated \$2,000 for Lodi Lake improvements.

FILE NO. CC-11(a) AND CC-27(c)

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 \$3,289,756.42.
FILE NO. CC-21(a)
- b) The Minutes of May 15, 1996 (Regular Meeting) and May 21, 1996 (Special Meeting) were approved as written.
- c) Approved the plans and specifications for bids for Henning Substation Control Building and authorized advertisement for bids.
FILE NO. CC-12.1(a)
- d) Approved the plans and specifications for bids for Library generator and authorized advertisement for bids.
FILE NO. CC-12.1(b)
- e) Approved the specifications for bids for Type II Slurry Seal for various City streets, 1996 and authorized advertisement for bids.
FILE NO. CC-12.1(c)
- f) Approved the specifications for bids for 384 electric watt-hour meters and authorized advertisement for bids.
FILE NO. CC-12.1(b)
- g) Approved the specifications for bids for replacement photocopier for the Electric Utility Department and authorized advertisement for bids.
FILE NO. CC-12.1(b)
- h) Approved the specifications for bids for one Hewlett Packard DesignJet 750C color inkjet plotter for the Electric Utility Department's Engineering Division and authorized advertisement for bids.
FILE NO. CC-12.1(b)
- i) Adopted Resolution No. 96-56 awarding the bid for the purchase of nine 50KVA conventional polemount transformers to the bidder whose proposal and equipment met City of Lodi specifications, and whose transformers are expected to yield the lowest overall life-cycle cost, Wesco Distribution of San Francisco, in the amount of \$8,320.46.
FILE NO. CC-12(d) AND CC-300
- j) Adopted Resolution No. 96-57 awarding the bid for the purchase of eleven padmount transformers to the bidder whose proposal and equipment met City of Lodi specifications, and whose transformers are expected to yield the lowest overall life-cycle cost, GE Supply Company of Sacramento, in the amount of \$90,482.00.

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FILE NO. CC-12(d) AND CC-300

- k) Adopted Resolution No. 96-58 awarding the bid for the purchase of one high-speed line printer for Data Processing's AS/400 mid-range system to the low bidder, Diamond Data, Inc. of Fort Dodge, Iowa, in the amount of \$7,706.49.
FILE NO. CC-12(d) AND CC-300
- l) Adopted Resolution No. 96-59 authorizing the Lodi Police Department to use \$5,000 of Asset Seizure Funds to purchase a narcotics canine in cooperation with the Lodi Unified School District (LUSD).
FILE NO. CC-12(a) AND CC-300
- m) Agenda item #E-13 entitled, "Transit agreement with San Joaquin County" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Pennino.)
- n) Acknowledged receipt of the *Analysis and Determination of Unmet Transit Needs for Fiscal Year 1996/97* which finds there are no unmet transit needs in the City of Lodi.
FILE NO. CC-50(a)
- o) Agenda item #E-15 entitled, "Final map and improvement agreement for River Pointe, Tract No. 2544" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Mayor Warner.)
- p) Agenda item #E-16 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.
- q) Adopted Resolution No. 96-61 accepting the development improvements for Woodhaven Park, Unit No. 1, Tract No. 2604, and Woodhaven Park, Unit No. 2, Tract No. 2717, and approving the No-Parking Zone on Woodhaven Lane north of Eilers Lane and the removal of the No-Parking Zone when it is no longer needed.
FILE NO. CC-46, CC-48(e) AND CC-300
- r) Adopted Resolution No. 96-62 approving renewal of the existing landscape maintenance contract for the 1996/97 fiscal year to Ireland Landscape Company, Inc. of Stockton, California.
FILE NO. CC-90 AND CC-300
- s) Adopted Resolution No. 96-63 amending Traffic Resolution No. 87-163 by approving the speed limit changes on four of the ten streets shown below:

<u>STREET</u>	<u>SEGMENT</u>	<u>SPEED LIMIT</u>
Central Avenue	Kettleman Lane to Vine Street	30 to 35 mph
	Vine Street to Tokay Street	30 to 25 mph
Cherokee Lane	Kettleman Lane to Poplar Street	45 to 40 mph
	Vine Street to Hale Road	35 to 40 mph
Church Street	Century Boulevard to Kettleman Lane	30 to 35 mph
	Tokay Street to Lodi Avenue	30 to 35 mph
	Lockeford Street to Turner Road	30 to 35 mph
Cluff Avenue		No change
Elm Street		No change
Holly Drive		No change
Hutchins Street	Tokay Street to Lodi Avenue	30 to 35 mph
Pine Street		No change
Rutledge Drive		No change

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- Tokay Street
FILE NO. CC-48(a) AND CC-300
- No change
- t) Agenda item #E-20 entitled, "Authorize water utility analysis" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport.)
- u) Set Public Hearing for June 19, 1996 to receive a report on the cost of weed abatement at 804 and 810 Black Diamond Way and to hear any objections of the property owners liable to be assessed for this abatement.
FILE NO. CC-24(b)
- v) Approved the restructuring of the Park Ranger force thereby allowing policing of the parks by uniformed City Police Officers and to approve transfer of funds from the Parks Ranger account in the amount of \$65,000 to accommodate this proposal.
FILE NO. CC-27(c), CC-34 AND CC-152
- w) Authorize the City Manager to execute a HOME Program, Community Development Block Grant (CDBG) loan and regulatory agreement and other documents relating to the Hotel Lodi Rehabilitation Project.
FILE NO. CC-6, CC-55 AND CC-90
- x) Adopted Resolution No. 96-64 in support for the Altamont Pass Connection for High Speed Rail Service in the State of California.
FILE NO. CC-6, CC-7(h) AND CC-300
- y) Approved letter to Senators Boxer and Feinstein and Congressman Pombo and Baker regarding Altamont Express Commuter Rail Service and a Transit Center in Stockton.
FILE NO. CC-6 AND CC-7(h)
- z) Agenda item #E-26 entitled, "Industrial Development Incentive Bottling/Food Processing Facility at 1122 Industrial Way, Lodi" was pulled from the agenda pursuant to staff's request.
- aa) Approved submission of an Acknowledgement of Receipt of a Notice of Pendency of Class Action to the law firms of Lister, Guckenberger, & Martin and McDermott, Will & Emery against State Compensation Insurance Fund.
FILE NO. CC-4(f)
- bb) Adopted the following resolutions pertaining to the November 5, 1996 General Municipal Election:
- Resolution No. 96-65 calling and giving notice of the holding of General Municipal Election to be held November 5, 1996;
 - Resolution No. 96-66 adopting regulations pertaining to the Candidates' Statements for the November 5, 1996 General Municipal Election;
 - Resolution No. 96-67 determining whether or not there will be a filing fee for the November 5, 1996 General Municipal Election;
 - Resolution No. 96-68 approving entering into a contract with the County of San Joaquin for the County Registrar of Voters to provide certain services for the November 5, 1996 General Municipal Election;
 - Resolution No. 96-69 providing for the appointment to the offices of this City that were to be elected November 5, 1996 if there are not more candidates than offices to be elected; and
 - Resolution No. 96-70 providing that the determination of a tie vote by candidates who receive an equal number of votes and the highest number of votes for one office in the November 5, 1996 General Municipal Election will be by lot.

6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Pennino, Warner second, unanimously approved the agreement for transportation services between the City of Lodi and the County of San Joaquin.
FILE NO. CC-50(a) AND CC-90

- b) (Mayor Warner had a conflict of interest and, therefore, abstained from discussion and voting on the following matter.)

The City Council, on motion of Council Member Sieglock, Mann second, approved the final map for River Pointe, Tract No. 2544, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City by the following vote:

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

FILE NO. CC-46 AND CC-90

- c) The City Council, on motion of Mayor Warner, Pennino second, unanimously directed staff to prepare a comprehensive report on the water utility and authorized the City Manager to execute a contract amendment with Bartle Wells Associates (the firm performing the wastewater utility rate analysis) to perform a rate analysis.
FILE NO. CC-90 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 Notice of Public Nuisance and Order to Abate issued on property located at 433 East Locust Street (APN 043-201-0025).

Hearing Opened to the Public

1. Virginia Lahr, 311 East Elm Street, Lodi, encouraged the City Council to approve the recommendation to abate the property. She has lived in that area for 10 years and it has been a thorn to all of the neighbors. The property owner has never properly maintained the property or made the repairs that the tenants complained about.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Mann, Sieglock second, unanimously adopted Resolution No. 96-60 issuing an order, to be certified by the City Clerk, that all debris be removed from the building and premises and that the building be secured in a manner approved by the Fire Chief.
FILE NO. 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 consider increasing water rates.

ACTION:

The City Council, on motion of Council Member Sieglock, Mann second, unanimously postponed indefinitely the Public Hearing to consider increasing water rates.
FILE NO. CC-183(e)

8. **COMMUNICATIONS (CITY CLERK)**

- a) City Clerk Perrin read the following ABC Licenses:
 - 1. Helena Leu to Wei Chen and Li Zhang, Lucky House, 550 South Cherokee Lane, Suite H, Lodi, On Sale Beer and Wine, Person to Person Transfer;
 - 2. Lawrence Bolles Jr. to Cheung Chik and Geoffrey Wenzl, Tokay Bowl, 620 South Cherokee Lane, Lodi, On-Sale General Eating Place and Caterer Permit, Person to Person Transfer;
 - 3. Angelo Mercado and David and Raquel Paler, Angelo's, 28 North School Street, Lodi, On-Sale Beer and Wine, Original License; and
 - 4. Jacoub Habibeh to Mahmoud Bazaz, Cherokee Mini Mart, 401 South Cherokee Lane, Lodi, Off-Sale General, Person to Person Transfer.
FILE NO. CC-7(f)

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

- 1. Planning Commission report of May 13, 1996

The City Council, on motion of Council Member Pennino, Sieglock second, unanimously set a Public Hearing for June 19, 1996 to consider request from Plummer Pontiac, 1011 South Cherokee Lane, Lodi, for a General Plan Amendment and rezone of the rear .57 acre portion of the 3.45 acre parcel from ER, Eastside Residential to GC, General Commercial and rezone the property from R-1*, Single-Family Eastside to C-2, General Commercial to allow for construction of a 4,800 square foot body/paint shop on the newly zoned property. Further, an appeal was received from Robert Fisher, 440 Mission Street, regarding the matter above, which will be considered concurrently.
FILE NO. CC-35(c)

9. **REGULAR CALENDAR**

- a) The City Council, on motion of Council Member Pennino, Warner second, unanimously authorized the City Manager to file the 1995/96 Transportation Development Act (TDA) claim in the amount of \$1,893,662 (\$1,890,062 are Local Transit Funds and \$3,600 are State Transit Assistance Funds).
FILE NO. CC-6 AND CC-50(a)

- b) The City Council, on motion of Council Member Pennino, Mann second, unanimously authorized the City Manager to file the application for 1995/96 Federal Transit Assistance (FTA) funds in the amount of \$487,490 (\$175,170 is for operations and \$312,320 is for capital which includes two replacement vehicles for Dial-A-Ride, additional shelters and benches and funds for the restoration of the Southern Pacific Train Depot).
FILE NO. CC-6 AND CC-50(a)
- c) The City Council, on motion of Council Member Mann, Warner second, unanimously adopted Resolution No. 96-71 awarding the purchase of five transit vehicles from the State of California, Office of Procurement Contract for 1995 in the amount of \$62,000 each or approximately \$310,000 (funding for these vehicles will come from FTA and TDA funds for the years 1994/95 and 1995/96).
FILE NO. CC-12(d), CC-50(a) AND CC-300
- d) The City Council heard a report on the latitude of the Parks and Recreation Commission to set fees and charges. It was decided that this issue will return to the City Council for discussion on policy change for the setting of rate structures by the Parks and Recreation Commission. Further, the City Clerk was directed to contact Mr. Riney Bender to inquire whether or not he would like to appeal the Parks and Recreation Commission's decision regarding his request for a reduction in rental fees for his 1996 Legion program. If so, the matter will be set for Public Hearing before the City Council.
FILE NO. CC-2(h), CC-27(c) AND CC-56

10. RECESS

Mayor Warner called for a ten-minute recess and the City Council Meeting reconvened at approximately 8:38 p.m.

11. REGULAR CALENDAR (Continued)

- a) The City Council, on motion of Council Member Mann, Warner second, unanimously adopted the Lodi Lake Park Southeast Section Master Plan as presented.

Speaking on the matter were the following persons:

1. Donna Phillips, 1040 Laurel Avenue, Lodi, spoke in favor of the plan. Ms. Phillips questioned if the jogging trail around the lake is being addressed, because the people who fish there everyday will get in the way of the joggers. It was explained that the plan calls for a fishing dock which should address that concern;
2. Bob Reinberger (*unsure of spelling of last name*), 127 Mokelumne River Drive, Lodi, also spoke in favor of the plan; however, added that the noise problem is not just from the traffic on Turner Road, but is also from the boat dock;
3. Arilee Pollard, Lodi, spoke in favor of the plan. There is a need to keep the people, dogs, bikes, etc. out of the nature area, and the trail around the lake will help alleviate that problem; and
4. Diana Slawson, Manager, Lodi Conference and Visitors' Bureau, explained how Lodi Lake should be highlighted in the City of Lodi in terms of tourism. It will also be the focus of an upcoming brochure regarding watchable wildlife areas. Ms. Slawson indicated the Bureau will be very active in developing and using the park.
FILE NO. CC-27(c)

- b) The City Council, on motion of Council Member Pennino, Warner second, unanimously adopted the Master Plan for development of Van Buskirk Park as presented.
FILE NO. CC-27(c)

12. ORDINANCES

None.

13. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Arilee Pollard, Lodi, presented the City with petitions protesting the unwarranted firing of Fire Chief Hank Howard. Ms. Pollard alleged that a number of citizens would not sign the petition because they are afraid of City Manager Flynn and of possible retaliation because he is a "vengeful person". It is a shame that he is running over City employees and frightening citizens of this community. The morale among the City employees is not good. Recently two long-term Finance Department employees retired on the same day. There was a reason they left -- they just wanted out. Ms. Pollard feels City Manager Flynn has too much power, and he should be held accountable for his actions. Further, she would like to know what his vision is for Lodi, and did he share this vision with the Fire Chief. If something is not done, Lodi will become a Police state and we will lose all of our good employees.
FILE NO. CC-16 AND CC-34

- b) Virginia Lahr, 311 East Elm Street, Lodi, complained about the on-going problems at Hale Park. In that area there is a gang house, another house that had a fire recently from a drug lab, criminal activity, broken bottles and glass everywhere, speeding cars, slum landlords and transients. Recently three young girls were molested at Hale Park. Because of these problems, everyone is working even harder. We need to be thankful for the adoption of the code enforcement program. They are doing an excellent job. Other reasons that change is happening: Hale Park was designated a no alcohol park, we will soon have park policing through the Police Department, the abatement of the property on Locust Street, and review of the speed limit in the area. Ms. Lahr hopes that code enforcement will look at approving standards for landlords. Further, Ms. Lahr invited the public to attend the first free summer concert at Hale Park on June 9, 1996 from 6 - 8 p.m. Bring your blankets and lawnchairs and enjoy the music.
FILE NO. CC-2(s), CC-16

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

- a) Council Member Sieglock commented that the library's 1/8 cent sales tax measure was defeated at the June 4, 1996 Special Election. He has always maintained that Lodi's library can continue to fund at its current level and feels the library is a priority. Mr. Sieglock suggested that the City Council meet with the Library Board to discuss how the City may be able to work with them to provide adequate funding to maintain its services.
FILE NO. CC-21(b)
- b) Council Member Pennino also made a suggestion regarding the Library's budget. He feels that the City should not rush between now and when the budget is adopted. Instead, the Council can approve a three or four month budget, set up a task force consisting of two Council Members, two Library Board Members, the City Manager, the Finance Director and the Librarian to rework the budget and return to the City Council with a recommendation within the three to four month period. Further, Council Member Pennino would like to see a timeline

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and status report for the Downtown and Cherokee Lane Revitalization. We should not be waiting to move forward.

FILE NO. CC-21(b)

- c) Council Member Davenport thanked everyone for coming to the meeting and commented on the following matters: 1) Reminded everyone to be ever mindful of gang. Ms. Lahr brings up some good points - it is a constant fight. The east side needs parking lots to eliminate the parking problems there and a police substation; 2) Discussed overtime at the last Shirtsleeve Session. He still has concerns about overtime and has not yet seen the recap of the overtime and hours worked for the last three years. At the next Shirtsleeve Session, Council will discuss the proposed budget. Mr. Davenport encouraged more of the public to attend; and 3) Informed the public that staff will soon be moving out of the portables and into the recently remodeled City Hall.
- d) Council Member Mann suggested that the City Council initiate a Business Hall of Fame (similar to the Parks and Recreation Department's Athletes Hale of Fame). The City would then be able to recognize a business or an industry on an annual basis to demonstrate the City Council's appreciation for operating in Lodi. This would be another way to say "Lodi is business friendly". Further, Council Member Mann expressed his support of City Manager Flynn and his decision on the recent personnel action.
FILE NO. CC-6, CC-34 AND CC-400
- e) Council Member Davenport expressed that the City should do what it can to keep our businesses in Lodi. Lodi is losing Frank Alegre's business and about 180 employees. Further, Mr. Davenport expressed his support of City Manager Flynn and his decisions that he must make on personnel actions. In fact, Mr. Davenport feels there may be other personnel actions in the future. There are reasons these things have to be done, and Mr. Flynn makes a rational decision in these matters.
FILE NO. CC-34 AND CC-400
- f) Council Member Pennino commended Diana Slawson with the Lodi Conference and Visitors' Bureau which put together a list of activities to do this summer. Anyone interested can pick up a copy at the Bureau.
- g) Mayor Warner informed the public that he recently attended the Critical Issues Conference in San Joaquin County. The topics were transportation and water. They *are* critical issues affecting Lodi which are being addressed on a regional basis in which Lodi is participating. Rail, which is one of the biggest issues, is a way to help decrease congestion on the highways. Water is the most critical because one cannot live without it. Lodi is dependent on its groundwater, and even though there are other alternatives, they are very expensive.

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Warner adjourned the meeting at approximately 9:45 p.m.

ATTEST:

Jennifer M. Perrin
City Clerk