

**CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, AUGUST 7, 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 Center Director Lange, Finance Director McAthie, Police Chief Hansen, City Attorney Hays and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Jean Lebbert, Emanuel Lutheran Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Warner.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Warner presented the Award of Financial Reporting Achievement which is given by the Government Finance Officers Association to Accounting Manager Ruby Paiste and Acting Accountant Cory Wadlow who were responsible for the preparation of the comprehensive annual financial report for fiscal year end June 30, 1995.  
FILE NO. CC-21(b)
- b) Mayor Warner presented a proclamation to Melinda Sparks and Ruth Ann Mize with General Mills in appreciation of its many contributions to the Lodi community. Colleen Dixon with the East Side Improvement Committee thanked General Mills for its generous contribution of \$10,000 which was applied towards approximately 700+ motion detector lights for various locations around the City.  
FILE NO. CC-37
- c) Council Member Pennino introduced Bart Meays, Executive Director with San Joaquin County Council of Governments (COG), who presented a report regarding the COG Regional Transportation Program Update. In March COG approved the 25 year transportation plan which deals with the most cost effective way to use money in the transportation system to address the needs of the future. The needs forecast a total of over \$4.1 billion dollars in 25 years. We only have enough for \$2.5 billion. The most significant projects for the City of Lodi would include the widening of Kettleman Lane to 6 lanes, improving the interchange at Highway 99 and Kettleman Lane, grade crossings at Lodi Avenue, park and ride lots within the community; bike paths, and the multi-modal station. The community will be involved to better discover what the transportation needs are. Council Member Pennino stressed how critical this 25 year plan is, and added that if any local service clubs would like a presentation on this matter, contact COG or the City.  
FILE NO. CC-7(n) AND CC-50(a)

- d) Arts Commission Chairperson Rexford Reynolds made a presentation to the City Council regarding Drama Fest 1996 which will be held August 9, 10 and 11, 1996. Two winners were chosen (one adult script, one children's script) from the 225 scripts submitted. The event opens Friday the 9th at Hutchins Street Square with a play by Don Levy called *Partly Plautus*. Saturday will feature the Children's Workshops from 9 a.m. - 1 p.m. and Youth Production at 1:30 p.m. and 3:30 p.m. At 6:30 there will be a champagne and dessert awards ceremony honoring the playwrights and the premiere of *One On One* by Adam Goldberg. Sunday will feature repeat performances. Mr. Reynolds thanked the citizens of this City for its support of the event. Adam Goldberg, who wrote *One on One*, shared that his play is about the relationship between himself and his dad throughout high school.  
FILE NO. CC-2(k)
  - e) Police Chief Hansen presented a report to the City Council regarding the new volunteer program at the Lodi Animal Shelter which started on Monday, August 5. The program has five volunteers who will work on Saturdays and Mondays so the officers can work in the field. The long-term goal is to have someone there six days a week. If anyone is interested in becoming a volunteer, contact Sandy Knutson of the Animal Friends Connection (339-0502) or the Lodi Police Department. This is a great opportunity to show how the community and City can work in partnership to provide a higher level of service.  
FILE NO. CC-152
  - f) Mayor Warner shared with the public the Certificate of Recognition the City received from Congressman Richard Pombo for the City Hall Dedication held on July 24, 1996.  
FILE NO. CC-37
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5. COMMENTS BY THE PUBLIC ON CONSENT CALENDAR

- a) Keith Land, 511 Charleston Way, Lodi, commented on agenda item #E-26 entitled, "Temporary fencing at Hutchins Street Square". Concerns were addressed at the Parks and Recreation Commission meeting regarding the limited use of the basketball courts during the time the fence is erected. Mr. Land understands that court hours will be 6 p.m. until dusk; however, when October arrives that means there will be no use. If the basketball court is fenced it will greatly reduce the inventory of courts in the City of Lodi. Mr. Land questioned if people will be allowed to use the courts on weekends and holidays. Further, he suggested that the fence be erected to go around the basketball courts and that usage be from 3 p.m. to dusk.

6. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$705,317.30 (1995/96) and \$5,054,500.33 (1996/97).  
FILE NO. CC-21(a)
- b) The Minutes of July 17, 1996 (Regular Meeting) were approved as written.
- c) Approved the specifications for bids for seven 12 KV padmounted switchgear units and authorized advertising for bids.  
FILE NO. CC-12.1(b)

*Continued August 7, 1996*

- d) Approved the specifications for bids for the rental of safety clothing on a two-year contract for the Electric Utility Department and authorized advertising for bids.  
FILE NO. CC-12.1(c)
- e) Adopted Resolution No. 96-104 awarding the sole source purchase of ten Motorola DVP capable portable radios at \$10,904.58.  
FILE NO. CC-12(d) AND CC-300
- f) Adopted Resolution No. 96-105 awarding the purchase of 115 London Plane trees (*Platanus acerifolia* "Yarwood") for School Street to Boething Treeland Farms, Inc. of Portola Valley, in the amount of \$34,270.00, and for 240 Valley Oak trees (*Quercus lobata*) for Cherokee Lane to Valley Crest Tree Co., of Sunol, in the amount of \$23,275.20 and appropriated funds in accordance with staff recommendation for the trees and other project expenses.  
FILE NO. CC-12(d), CC-49, CC-72 AND CC-300
- g) Adopted Resolution No. 96-106 awarding the contract for White Slough Water Pollution Control Facility Holding Pond No. 3 Embankment Rehabilitation, 12751 North Thornton Road to Moody Construction, Sacramento, in the amount of \$79,340 and appropriated funds in accordance with staff recommendation.  
FILE NO. CC-12(d) AND CC-300
- h) Adopted Resolution No. 96-107 awarding the contract for Hutchins Street Square Community Center southeast parking lot expansion to A.M. Stephens, Lodi, in the amount of \$73,500 and appropriated funds in accordance with staff recommendation.  
FILE NO. CC-12(d) AND CC-300
- i) Adopted Resolution No. 96-108 awarding the contract for construction of the Henning Substation Control Building to the low bidder, Diede Construction, Inc., Woodbridge, CA in the amount of \$30,031.00.  
FILE NO. CC-12(c) AND CC-300
- j) Accepted improvements under "Civic Center Improvements, Entry/Plaza Renovation" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's Office.  
FILE NO. CC-90
- k) Agenda item #E-11 entitled, "Acceptance of improvements under 1995 Tree Trimming contract" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport.)
- l) Accepted improvements under "White Slough Water Pollution Control Facility Chain Link Fence" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's Office.  
FILE NO. CC-90
- m) Accepted improvements under "Blakely Park Pool Balance Tank and Filtration System Replacement" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's Office.  
FILE NO. CC-90
- n) Accepted improvements under "Street Light Installation Project, Various Arterial and Collector Streets" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's Office.  
FILE NO. CC-90

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- o) Agenda item #E-15 entitled, "Acceptance of improvements under Fiberglassing Enze/Field Pool - Blakely Park contract" was pulled from the agenda pursuant to staff's request.
- p) Agenda item #E-16 entitled, "'No Parking' on Vine Street west of Stockton Street at Pacific Coast Producers" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Sieglock.)
- q) Agenda item #E-17 entitled, "Agreement between City of Lodi and Grape Festival and National Wine Show, Inc. for lease of Festival Grounds" was pulled from the agenda pursuant to staff's request.  
FILE NO. CC-7(p) AND CC-90
- r) Approved the agreement between the City of Lodi and Lodi Boys and Girls Club, Inc. for use of their facility.  
FILE NO. CC-90
- s) Approved the Lease Addendum to Lodi Boys and Girls Club, Inc. amending the lease area.  
FILE NO. CC-90
- t) Adopted Resolution No. 96-110 approving the reclassification of Administrative Clerk I/II to Department Secretary in the Community Center.  
FILE NO. CC-34 AND CC-300
- u) Adopted Resolution No. 96-111 approving the reclassification of one Building Maintenance Worker position to Senior Building Maintenance Worker in the Community Center.  
FILE NO. CC-34 AND CC-300
- v) Adopted Resolution No. 96-112 approving the class specification and salary range for Arts Coordinator.  

<u>Step A</u>	<u>Step B</u>	<u>Step C</u>	<u>Step D</u>	<u>Step E</u>
\$2,801.23	\$2,941.29	\$3,088.37	\$3,242.76	\$3,404.88

  
FILE NO. CC-34 AND CC-300
- w) Agenda item #E-23 entitled, "Approve policy for expanding the Lodi Electric Assistance Program (LEAP) donation program to allow donations to other non-profit entities affiliated with City-sponsored programs" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Pennino.)
- x) Agenda item #E-24 entitled, "Concealed weapon processing fee increase" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport.)
- y) Agenda item #E-25 entitled, "Transfer of control of cable television franchise from Continental Cablevision, Inc. to US WEST, Inc." was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Mann.)
- z) Agenda item #E-26 entitled, "Temporary fencing at Hutchins Street Square" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Sieglock.)

- aa) Agenda item #E-27 entitled, "Ordinance adding §307, Declaration of Public Nuisance, and amending §401.2, Notice and Order, to the Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition" was removed from the Consent Calendar and discussed and acted upon under Ordinances. (Removed by Mayor Warner.)
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7. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Sieglock, Pennino second, accepted improvements under "Tree Trimming 1995" contract, and directed the City Engineer to file a Notice of Completion with the County Recorder's Office by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-90

- b) The City Council, on motion of Council Member Sieglock, Mann second, unanimously adopted Resolution No. 96-109 approving the installation of 60 feet of no-parking zone on the south side of Vine Street west of Stockton Street.

Speaking on the matter was Pete Zahos with Pacific Coast Producers, 1224 South Pleasant Avenue, Lodi, who spoke in favor of the recommendation. Although the traffic congestion and parking is worse during the season, this is a year-round problem. This recommendation should resolve the situation.

FILE NO. CC-48(e) AND CC-300

- c) Following discussion, the City Council, on motion of Council Member Pennino, Davenport second, **did not approve** the amended policy for the Lodi Electric Assistance Program (LEAP) which would have allowed donations to other non-profit entities affiliated with City-sponsored programs by the following vote:

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

Noes: Council Members - Mann and Sieglock

Absent: Council Members - None

FILE NO. CC-51(d) AND CC-104

- d) The City Council, on motion of Council Member Sieglock, Pennino second, unanimously adopted Resolution No. 96-113 authorizing an increase of the processing fee associated with California Concealed Weapon (CCW) Applications from \$81.00 to \$88.00 for initial CCW Applications and from \$13.00 to \$28.00 for renewal of CCW Applications.

FILE NO. CC-56 AND CC-300

- e) (Council Member Mann had a conflict of interest on the following matter, and, therefore, abstained from discussion and voting on the item.) The City Council, on motion of Mayor Warner, Sieglock second, adopted Resolution No. 96-114 approving the transfer of control of cable television franchise from Continental Cablevision, Inc. to US WEST, Inc. by the following vote:

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

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - Mann

FILE NO. CC-22(c) AND CC-300

*Continued August 7, 1996*

- f) The City Council, on motion of Council Member Sieglock, Mann second, unanimously approved the concept of erecting a temporary fence on the corner of Walnut and Rose Streets to act as a buffer for the Camp Hutchins children during the course of construction of the new Performing Arts and Conferencing Center.  
FILE NO. CC-27(e)

8. PUBLIC HEARINGS

None.

9. 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 Mann, Pennino second, unanimously rejected the following claims:

- 1. Equitable/Partial Equitable Indemnity Hancock v. Human Services Project, Inc.
- 2. Gary and Linda Rice, date of loss 2/25/96
- 3. Delores Adams, date of loss 5/25/96  
FILE NO. CC-4(c)

- b) City Clerk Perrin read the following ABC Licenses:

- 1. Elizabeth R. Montgomery to John and Lori Denigris, El Papagallo Mexican Restaurant, 1024 Victor Road, Lodi, On-Sale Beer and Wine, Person to Person Transfer
- 2. John Maalouf to John and Mirna Maalouf and Marcel Mojalli, E & L Market, 844 South Central Avenue, Lodi, Off-Sale Beer and Wine, Person to Person Transfer  
FILE NO. CC-7(f)

- c) The City Council, on motion of Council Member Pennino, Sieglock second, unanimously directed the City Clerk to post for the following vacancies:

**Greater Lodi Area Youth Commission**

Debie Woehl	Term to expire June 30, 1997
Richard Jones	Term to expire June 30, 1998
Gary Lund	Term to expire June 30, 1999

**San Joaquin County Emergency Food and Shelter Program**

Fred Reid

FILE NO. CC-2(a) AND CC-2(t)

- d) The City Council, on motion of Council Member Sieglock, Mann second, unanimously made the following appointment:

**Greater Lodi Area Youth Commission**

Steve Marks

FILE NO. CC-2(t)

*Continued August 7, 1996*

- e) The City Council, on motion of Council Member Sieglock, Warner second, unanimously made the following appointment:

**East San Joaquin Parties Water Authority**

Stephen J. Mann

FILE NO. CC-7(b) AND CC-7(g)

10. **REGULAR CALENDAR**

- a) The City Council, on motion of Council Member Sieglock, Mann second, unanimously adopted Resolution No. 96-115 authorizing the purchase of a standby/emergency generator for the Library from Central Sierra Electric of Jackson, in the amount of \$29,850 and appropriated funds in accordance with staff recommendation.  
FILE NO. CC-12(d) AND CC-300
- b) The City Council, on motion of Council Member Mann, Sieglock second, unanimously **rejected** the Annexation Agreement with San Joaquin County. Further, City Manager Flynn will invite County Administrator Dave Baker and County Supervisor George Barber to a Shirtsleeve Session to make a presentation to the City Council regarding this matter.  
FILE NO. CC-8(a) AND CC-90

11. **ORDINANCES**

- a) Ordinance No. 1636 entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 17.30 of the Lodi Municipal Code by Repealing and Reenacting Section 17.30.030, Adding Thereto Section 17.30.035 Relating to C-S Commercial Shopping District, and Amending Chapter 17.60 Off-Street Parking Section 17.60.100 Relating to Spaces Required" having been introduced at a regular meeting of the Lodi City Council held July 17, 1996 was brought up for passage on motion of Council Member Pennino, 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-6 AND CC-149
- b) The City Council, on motion of Council Member Pennino, Mann second, introduced Ordinance No. 1637 entitled, "An Ordinance Of The City Council Of The City Of Lodi Adding Chapter 15.28 Of The Lodi Municipal Code By Adding Thereto Section 15.28.062 Section 307, Declaration Of Public Nuisance; And Section 15.28.064 Amending Section 401.2, Notice And Order, Of The 1994 Uniform Code For The Abatement Of Dangerous Buildings, Relating To Abatement Of Dangerous Buildings" 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 AND CC-149

*Continued August 7, 1996*

12. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

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

- a) Council Member Sieglock, with the concurrence of Council, directed the City Manager to place on the next agenda, a report by Electric Utility Director Vallow on where the City stands on utility restructuring and recommendations for resolutions that the Council should adopt and pass on to the State legislature. Mr. Sieglock also thanked the Police Department and the citizens of Lodi for its participation in National Night Out on August 6, 1996. There were approximately 107 neighborhoods participating, and Mary Fuhs, Community Service Officer, was commended for her coordination of the event. On Brandywine Drive, the neighbors complained about a strip of land that people use to cross from Brandywine to the shopping center. The area is trashed, littered with broken beer bottles and there are problems with vandals. Mr. Sieglock would like staff to look into abandoning the property. It is about 40 feet wide and 200 feet long. Perhaps it could be sold to someone who wants to build a home or split it up and sell it to the property owners. He also heard complaints regarding the overgrown brush in the Lodi Lake Nature Area. Council Member Sieglock would like staff to look into getting the convicts or juvenile offenders to trim the brush on a regular basis. Further, the City should make barricades available to rent to the participating neighborhoods. The residents on Louie Avenue were complimentary of the Police Department and its radar enforcement. Brochures were passed out to the public on the Police Department's equestrian program. A lot of people wondered what the bill was for this program. Mr. Sieglock explained that the officers own and maintain their own horses and donate their time to train them.  
FILE NO. CC-51(d) AND CC-152
- b) Council Member Davenport thanked everyone for coming to the meeting and commented on the following matters: 1) Be ever mindful of the gangs. Perhaps in the future the Police Department will make a report on this matter; 2) Would like to see hidden cameras installed at Hale Park to take care of the illegal activity and gang shootings. The message would be out there that those doing illegal activity will be caught on tape; 3) Supports the National Night Out program, and the City should do whatever necessary to make the block parties successful.  
FILE NO. CC-27(c)
- c) Council Member Pennino responded to Council Member Davenport's comment regarding video cameras at Hale Park. The Parks and Recreation Commission just yesterday looked at the possibility of installing video cameras at parks and may bring this back in the future for discussion. Council Member Pennino would like staff to look into removing salary steps for mid-management employees, because they are almost guaranteed. Further, Mr. Pennino invited the Council, staff and the youth of this community to attend Wet and Wild this Saturday, August 10, 1996 at Lodi Lake. The event is from 2:00 p.m. - 10:00 p.m. and includes a dance.  
FILE NO. CC-34
- d) Council Member Mann also commented on how impressed he was with National Night Out. Hopefully the City of Lodi will capture the #1 spot nationwide for our program (to date we have scored 2nd place). Police Department staff involved were commended for a successful event. Mr. Mann heard a request to install speed limit signs on Virginia Avenue between Tokay and Lodi Avenues to help slow traffic down in that area.  
FILE NO. CC-152

*Continued August 7, 1996*

- e) Mayor Warner informed the City Council that he has the latest copy of the Northern California Power Agency (NCPA) financial statement if anyone would like to review it. Henderson Bros. had a celebration this evening of 100 years of community business. Mayor Warner presented them with a proclamation from the City, congratulated them and thanked them for keeping their business in downtown Lodi.  
FILE NO. CC-72 AND CC-400

14. CLOSED SESSION

At the Shirtsleeve Session of August 6, 1996, the City Council adjourned the meeting to August 7, 1996 to continue discussion on the matter shown below. Therefore, Mayor Warner adjourned the Council meeting to a Closed Session to discuss the following:

- 1. Public Employee Performance Evaluation - City Manager pursuant to Government Code §54957

15. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

Mayor Warner reconvened the City Council meeting at approximately 9:55 p.m. and disclosed the following action:

Public Employee Performance Evaluation - City Manager pursuant to Government Code §54957

No final action was taken on the matter.  
FILE NO. CC-200(b)

16. ADJOURNMENT

There being no further business to come before the City Council, Mayor Warner adjourned the meeting at approximately 9:55 p.m.

ATTEST:

Jennifer M. Perrin  
City Clerk