

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 16, 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, City Engineer Prima, Community Development Director Bartlam, Electric Utility Director Vallow, City Attorney Hays and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Larry Gedde, St. Paul's Lutheran Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Warner.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Warner presented a proclamation to Harry Marzolf, this year's Lodi Campaign Chairman, and Cynthia Haynes, representing the City of Lodi, proclaiming Friday, October 25, 1996 as the United Way Campaign's "Day of Caring" in the City of Lodi. Mr. Marzolf shared that the local United Way is the only one to say that 100% of the donation goes straight to the charities without any going towards administrative costs, etc. Cynthia Haynes invited the Council and the public to attend the first annual Community Day of Caring on October 25, 1996 in the City Hall courtyard. The event will include an agency fair, community volunteer work teams and a community barbecue. The local United Way agencies will set up tables of information and will talk to the community about the programs and services they have to offer locally. In addition to the barbecue, the local businesses put together volunteer teams which will work at some of the United Way agencies to experience volunteering.
FILE NO. CC-37

5. COMMENTS BY THE PUBLIC ON CONSENT CALENDAR ITEMS

- a) Kevin Donnelly, representing the City of Lodi firefighters, 910 Scarletwood Court, Galt, commented on agenda item #E-13 entitled, "Agreement for exchange of fire protection and rescue services with the Woodbridge Fire District". The City of Lodi firefighters are in favor of the automatic aid agreement; however, it should only be temporary and not a long-term solution for coverage of the west side. This agreement in conjunction with a long-term fire protection plan would be acceptable; and
FILE NO. CC-90 AND CC-112
- b) Keith Land, 511 Charleston Way, Lodi, also commented on agenda item #E-13. The automatic aid is a good proposal that will fix a problem that we have today, recognizing the lack of service on the west side. The citizens of Lodi are paying for this service and should receive the same level of service from Woodbridge. This agreement is a good idea for a temporary fix.
FILE NO. CC-90 AND CC-112
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6. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Warner second, approved the following items hereinafter set forth **except those otherwise noted with the pulled items moved to the end of the agenda** by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

- a) Claims were approved in the amount of \$3,741,670.51.
FILE NO. CC-21(a)
- b) The Minutes of October 2, 1996 (Regular Meeting) were approved as written.
- c) Accepted the third quarterly report (July - September) of the City of Lodi pooled money investment account as required by SB564.
FILE NO. CC-21(a)
- d) Agenda item #E-4 entitled, "Plans and specifications and advertisement for bids for Peterson Park/basin improvements, 199 Evergreen Drive" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- e) Agenda item #E-5 entitled, "Plans and specifications and advertisement for bids for Police Department Carnegie basement remodel" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- f) Agenda item #E-6 entitled, "Purchase of two Police radios" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- g) Agenda item #E-7 entitled, "Contract award for watermain installations, Turner Road and Laurel Avenue, and Lodi Lake Park" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Sieglock.)
- h) Adopted Resolution No. 96-150 awarding the contract for lane line painting, various City streets, 1996 to Central Striping Service of Rancho Cordova, in the amount of \$20,267.76.
FILE NO. CC-12(a) AND CC-300
- i) Accepted the improvements under the "White Slough Water Pollution Control Facility Holding Pond No. 3 Embankment Rehabilitation, 12751 North Thornton Road" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
FILE NO. CC-90
- j) Agenda item #E-10 entitled, "Request for marked pedestrian crosswalk across Pine Street at Central Avenue" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)

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- k) Agenda item #E-11 entitled, "Land lease at White Slough Water Pollution Control Facility (270 acres)" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
 - l) Agenda item #E-12 entitled, "Hold Harmless Agreement for permanent encroachment permit for 1150 East Thurman Street" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Sieglock.)
 - m) Agenda item #E-13 entitled, "Agreement for exchange of fire protection and rescue services with the Woodbridge Fire District" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Mann.)
 - n) Agenda item #E-14 entitled, "Resolution declaring official intent of City to reimburse certain expenditures from proceeds of indebtedness" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
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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 Planning Commission's recommendation that City Council adopt the 1996 Growth Management Allocations.

Hearing Opened to the Public

1. Jeffrey Kirst, P.O. Box 1259, Woodbridge, co-owner of Helmle Property and the agent for the Tsutaoka Property, spoke in favor of the recommendation. In regards to a question posed regarding time limits on allocations, Mr. Kirst explained that most of it is the result of a sluggish economy. Although there has been an uptake in activity especially in the Bay Area, which will bring people to this area;
2. John Giannoni, 2126 Grenoble Drive, expressed appreciation to Community Development Director Bartlam for arranging the previous meetings to discuss this issue. For the last several years, his projects have not received any allocations. This has resulted in his closing his Lodi business, not building anything here and moving his business to another city. The allocation process is driven more by greed than need; and
3. Fred Baker, 317 West Lodi Avenue, Lodi, spoke in support for the staff's recommendation. With his allocations, he does not anticipate the units being unused. Bridgetown is moving ahead. In October they will be turning ground and hope to have the project completed by next spring. Century Meadows is proceeding as well. He will not be hoarding his allocations.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Mann, Warner second, unanimously adopted Resolution No. 96-153 approving the 1996 Growth Management Allocations as recommended by the Planning Commission and referred the allocation process to staff for a fair solution.

FILE NO. CC-35(b) AND CC-300

8. **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, Sieglock second, unanimously rejected the following claims:

1. Jeanette Brooks, date of loss 8/30/96
2. Carol DeGrandmont, date of loss 8/10/96
3. Michael Maciel, date of loss 6/20/96
4. Joy Smith, date of loss 8/10/96
5. Dorothy Thompson, date of loss 6/26/96
6. Geraldine Wolfe, date of loss 6/20/96

Note: The claim for Gabe Subry was pulled from the agenda, and, therefore, was not rejected.

FILE NO. CC-4(c)

b) City Clerk Perrin read the following ABC Licenses:

1. Ka Kam Lee to Sun Ming Lau and Ben Z. Li, The Golden Rice Bowl, 100 West Turner Road, Suite E, Lodi, On-Sale Beer and Wine, Person to Person Transfer;
2. Nader Haddad to Makhan S. and Surinder Kaur Bhatti, Tokay Liquors, 8 East Lockeford Street, Lodi, Off-Sale General, Person to Person Transfer; and
3. Fred B. Reynolds, Stogies, 230 West Pine Street, Lodi, On-Sale Beer and Wine, Original License.
FILE NO. CC-7(f)

9. **RECESS**

Mayor Warner called a ten-minute recess and the City Council meeting reconvened at approximately 8:48 p.m.

10. **REGULAR CALENDAR**

a) The City Council, on motion of Council Member Pennino, Mann second, unanimously directed staff to proceed on preparation of the necessary agreements to provide for orderly development of Tienda Drive, Kettleman Lane, and two wastewater lift stations and authorized design services as recommended by staff.

Speaking on the matter was the following person:

1. Jeff Kirst, P.O. Box 1259, Woodbridge, commented that the location of the lift station was discussed quite a bit, and it was determined that it was preferable to have it in an office zone and not a residential zone.
FILE NO. CC-6 AND CC-45(a)
- b) The City Council, on motion of Council Member Sieglock, Mann second, unanimously adopted Resolution No. 96-154 awarding the contract for Central City Revitalization downtown underground utilities improvements to Crutchfield Construction Company, of Stockton, in the amount of \$351,406 and appropriated funds in accordance with staff recommendation.
FILE NO. CC-12(a), CC-72, CC-300 AND CC-400

11. ORDINANCES

- a) Ordinance No. 1641 entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 13.20 of the Lodi Municipal Code by Repealing and Reenacting Section 13.20.240 and 13.20.250, Relating to Electric Service - Rates" having been introduced at a regular meeting of the Lodi City Council held October 2, 1996 was brought up for passage on motion of Council Member Mann, Sieglock 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-51(d), CC-56, CC-149 AND CC-400

12. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

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

- a) Council Member Davenport thanked everyone for coming to the meeting; however, he would like to see more people here. Mr. Davenport suggested that the City should shift the meetings to Thursdays because of church on Wednesday nights. Further, Council Member Davenport commented on the following matters: 1) Be ever mindful of gangs and graffiti; 2) Attended a candidates' forum last night and heard a request for a pedestrian signal between the two parts of Casa de Lodi. Mr. Davenport would like this matter placed on the agenda and the area residents notified, including Don Swanson who requested this on behalf of the park residents. In addition to this request, he has received a few other letters from citizens regarding crosswalks being installed; 3) Attended the October 5, 1996 Business Leadership Summit in Stockton. It was well worth the time spent. There were good speakers including Dennis Wheatly, Mammie Donaldson (who spoke on the differences between men and women in the work place), Rich Little and Colin Powell; 4) Received letter from Continental Cablevision regarding quality of cable and community involvement; 5) Received the draft of the vehicle replacement policy. It has some good guidelines. Anyone interested in viewing the policy can ask for it from the City Manager's office; 6) Commented on the use of the Grape Bowl. Mr. Davenport

hopes someday it will put a dome on it and be revitalized. The Grape Bowl Classic will be held there on November 2, 1996; 7) Received letter from Geweke Properties regarding its plan to install a car wash on Lower Sacramento Road and Kettleman Lane. It appears to be a good way to utilize that corner; 8) Commented that the City Manager's information packet regarding electric deregulation and the Safe Drinking Water Act contains some good information; and 9) Reminded the public that the election is fast approaching -- don't forget to vote!

FILE NO. CC-48(b)

- b) Council Member Sieglock clarified with the Community Development Director that the earlier comment regarding unused allocations was meant specifically for the Helmlé Project.
FILE NO. CC-35(b)
- c) Council Member Davenport acknowledged Mrs. Beverly Hoag for the rose she left at each Council Member's table.
- d) Mayor Warner informed the public that Lodi High School will be celebrating its 100th year anniversary. On Saturday, October 19, 1996 at 10:00 a.m. to 10:00 a.m. Sunday, October 20, 1996, it will hold its fundraiser, the 24-Hour Challenge Relay. November 1, 1996 will be their homecoming, which will include a parade going through downtown Lodi. In regards to the letter from Continental Cablevision, it was in response to Mayor Warner's letter indicating that they are not as active in the community. Mayor Warner attended the League of California Cities (LCC) Annual Conference recently. It had some good classes and information which he will be forwarding on to staff. Further, Mr. Warner congratulated California Waste for bailing out Stockton in a recent incident involving 80 tons of trash collected.
- e) City Manager Flynn recognized the following employees for their dedicated years of service with the City of Lodi: Maxine Cadwallader, Finance Department, 40 years; Enid Bosch, Finance Department, 40 years; Barbara Reed, Administration, 25 years; Jack Ronsko, Public Works Department, 25 years; Garold Murray, Police Department, 25 years; Harry Webb, Police Department, 25 years; Jean Orosco, Parks and Recreation Department, 25 years; Christine Mitchell, Library, 25 years; Hans Hansen, Electric Utility Department, 20 years; and Germaine Wilson, Police Department, 20 years. City Manager Flynn informed the public of the following events: Oktoberfest on October 19, 1996, Halloween At Micke Grove on October 26, 1996 from 10:00 am. to 4:00 p.m., Historic Lodi Tour on October 27, 1996, and Lodi Lake Clean-Up Day on November 2, 1996.

14. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Pennino, Sieglock second, unanimously approved the plans and specifications for bids for Peterson Park/basin improvements, 199 Evergreen Drive and authorized advertising for bids.
FILE NO. CC-12.1(c)
- b) The City Council, on motion of Council Member Sieglock, Pennino second, unanimously approved the plans and specifications for bids for Police Department Carnegie basement remodel and authorized advertising for bids.
FILE NO. CC-12.1(a)
- c) The City Council, on motion of Council Member Pennino, Mann second, unanimously adopted Resolution No. 96-148 awarding the purchase of two Spectra Mobile DVP Capable Radios and related equipment.
FILE NO. CC-12(d) AND CC-300

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- d) The City Council, on motion of Council Member Sieglock, Warner second, unanimously adopted Resolution No. 96-149 awarding the contract for watermain installations, Turner Road and Laurel Avenue, and Lodi Lake Park to Armstrong's Engineering and Building, of Jamestown, in the amount of \$139,149.00, appropriated funds in accordance with staff recommendation and directed staff to look into installing telecommunications conduit in Laurel Avenue and Turner Road, which will be brought back to Council.
FILE NO. CC-12(a) AND CC-300
- e) The City Council, on motion of Council Member Sieglock, Mann second, unanimously adopted Resolution No. 96-155 approving the installation of a marked pedestrian crosswalk across Pine Street at Central Avenue pending letter of request from the First Baptist Church.
FILE NO. CC-48(b)
- f) The City Council, on motion of Council Member Sieglock, Mann second, unanimously adopted Resolution No. 96-151 leasing land to Bechthold-Kirschenman Farms, for 270 acres at the White Slough Water Pollution Control Facility, until April 15, 1997 with an option to continue the lease of 220 acres to October 15, 1997.
FILE NO. CC-27(b), CC-90 AND CC-300
- g) The City Council, on motion of Council Member Pennino, Warner second, unanimously directed the City Manager and City Clerk to execute a Hold Harmless Agreement on behalf of the City to allow issuance of a permanent encroachment permit for planned improvements at 1150 East Thurman Street.
FILE NO. CC-90
- h) The City Council, on motion of Council Member Mann, Pennino second, unanimously approved an agreement for exchange of fire protection and rescue services with the Woodbridge Fire District to be renewable by the City Council annually, which will authorize the affected agency fire chiefs to determine the scope of the service area and the methods of operation.
FILE NO. CC-90 AND CC-112
- i) The City Council, on motion of Council Member Sieglock, Mann second, unanimously adopted Resolution No. 96-152 Declaration of Official Intent to reimburse certain expenditures from proceeds of indebtedness.
FILE NO. CC-51(d) AND CC-300

15. CLOSED SESSION

Mayor Warner adjourned the meeting to a Closed Session to discuss the following matters:

- a) Threatened Litigation: Government Code §54956.9(b). One case. Potential suit by M & M Electric based on contract dispute
- b) Threatened Litigation: Government Code §54956.9(b). One case. Potential suit by State of California against City of Lodi based on alleged groundwater contamination by PCE/TCE

16. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 10:55 p.m., and Mayor Warner disclosed the following actions:

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Threatened Litigation: Government Code §54956.9(b). One case. Potential suit by M & M Electric based on contract dispute

No final action was taken on this matter.

Threatened Litigation: Government Code §54956.9(b). One case. Potential suit by State of California against City of Lodi based on alleged groundwater contamination by PCE/TCE

No final action was taken on this matter.
FILE NO. CC-200(d)

17. ADJOURNMENT

There being no further business to come before the City Council, Mayor Warner adjourned the meeting at approximately 10:55 p.m.

ATTEST:

Jennifer M. Perrin
City Clerk