

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 20, 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, Interim Deputy City Manager Christofferson, Public Works Director Ronsko, City Engineer Prima, Community Development Director Bartlam, Finance Director McAthie, City Attorney Hays and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Mike Reed, Lodi Avenue Baptist Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Warner.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Agenda item #D-1(A) entitled, "Receive Department of Toxic Substances Control Equipment Grant Award for Fire Department" was pulled from the agenda pursuant to staff's request.

5. COMMENTS BY THE PUBLIC ON CONSENT CALENDAR ITEMS

- a) Bob Reinberger, (*unsure of spelling of name*) representing Friends of Lodi Lake, 127 Mokelumne River Drive, Lodi, commented on agenda item #E-15 entitled, "Class specification and salary range for Park Naturalist". Mr. Reinberger expressed their concern with safety issues at the Lake, and support for the position of Park Naturalist. He recently saw an article in the Modesto Bee regarding Lodi's gem, Lodi Lake, praising the environment and the activities of this special place. Council Member Pennino requested that the City Manager obtain a copy of the article.
FILE NO. CC-34

6. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Warner second, unanimously approved the following items hereinafter set forth **except those otherwise noted** (note: all of the items that were pulled **except #E-12** were moved to the end of the agenda):

- a) Claims were approved in the amount of \$3,586,587.17.
FILE NO. CC-21(a)
- b) The Minutes of November 6, 1996 (Regular Meeting) were approved as written.
- c) Received report regarding sale of scrap metal to the highest bidder, Modesto Junk Company, in the amount of \$4,063.72.
FILE NO. CC-20 AND CC-47

- d) Agenda item #E-4 entitled, "Specifications and advertisement for bids for compact pickup truck for the Street Division" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Sieglock.)
- e) Agenda item #E-5 entitled, "Specifications and advertisement for bids for two 1750 GPM Custom Fire Apparatus" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Sieglock.)
- f) Approved the specifications for bids for Fire Department copy machine and authorized advertising for bids.
FILE NO. CC-12.1(b)
- g) Adopted Resolution No. 96-169 awarding purchase of two one-ton extended cab and chassis, 1997 model Dodge BR 3132, 4 X 2 pickups in the amount of \$52,565.14 from Swift Auto World, Sacramento, and appropriated funds in accordance with staff recommendation.
FILE NO. CC-12(d) AND CC-300
- h) Adopted Resolution No. 96-170 awarding the contract for Police Department Carnegie basement remodel to GTS Construction of Galt, in the amount of \$45,320 (funds from the project will be coming from the Police Development Impact Mitigation Fees and have already been appropriated).
FILE NO. CC-12(c) AND CC-300
- i) Received information regarding Contract Change Orders for well 4R storage tank and pump station project, 1215 Thurman Street.
FILE NO. CC-90
- j) Accepted the improvements under the "Hutchins Street Square Community Center Southeast Parking Lot Expansion" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
FILE NO. CC-90
- k) Adopted Resolution No. 96-171 accepting the development improvements for Johnson Ranch, Unit No. 4, Tract No. 2588.
FILE NO. CC-46 AND CC-300
- l) Agenda item #E-12 entitled, "Final map and Improvement Agreement for Bridgetowne, Unit No. 1, Tract No. 2133 and set Public Hearing for December 18, 1996 to consider requiring street improvements on adjacent parcel (APN 015-230-035)" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed pursuant to staff's request.)
- m) Approved retaining Clark Well, Inc. of Stockton as a qualified driller for test well professional services for 1997/98 (cost will be based on time and materials).
FILE NO. CC-90 AND CC-183(a)
- n) Agenda item #E-14 entitled, "Tax-exempt financing for termination payment of Power Supply Contract with Washington Water Power Company" was removed from the Consent Calendar and was discussed and acted upon at the end of the agenda. (Removed by Council Member Sieglock.)
- o) Adopted Resolution No. 96-173 approving the class specification and following salary range for Park Naturalist:

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$1,834.00	\$1,925.67	\$2,021.96	\$2,123.08	\$2,229.23

FILE NO. CC-34 AND CC-300

Continued November 20, 1996

- p) Agenda item #E-16 entitled, "Revised class specification for Deputy City Manager" was removed from the Consent Calendar and was discussed and acted upon at the end of the agenda. (Removed by Council Member Sieglock.)
- q) Adopted Resolution No. 96-175 approving the destruction of the following Human Resources records:
- Personnel employment records of separated part-time employees (over 2 years old); and
 - Personnel employment records of separated full-time employees (over 5 years old).
- FILE NO. CC-6, CC-34 AND CC-300
- r) Authorized the City to join the amicus brief in the case of Roman Catholic Archbishop of San Francisco (St. John's Cemetery) v. The City of San Mateo (First Appellate District).
FILE NO. CC-4(f)
- s) Authorized the City to join the amicus brief in the case of Metropolitan Water District of Southern California v. Francis N. Domenigoni et al.
FILE NO. CC-4(f)
- t) Agenda item #E-20 entitled, "Report on alternative methods of City transit bus maintenance" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Sieglock.)
- u) Agenda item #E-21 entitled, "Contract for development of Cost Allocation Plan" was removed from the Consent Calendar and was discussed and acted upon at the end of the agenda. (Removed by Council Member Sieglock.)
-

7. ACTION ON AGENDA ITEM #E-12

- a) The City Council, on motion of Council Member Pennino, Warner second, unanimously took the following actions regarding the Bridgetowne, Unit No. 1 development and associated off-site public improvements:
- Required installation of off-site public improvements deferred under the terms of an Improvement Deferral Agreement executed by Wine and Roses Country Inn, recorded in the San Joaquin County Recorder's Office as Instrument No. 91056571 on June 18, 1991, in conjunction with the Bridgetowne, Unit No. 1 development; and
 - Set a Public Hearing for December 18, 1996 to require the installation of missing street improvements on the adjacent parcel to the east (APN 015-230-035) under the terms of Section 5875 of the Streets and Highways Code.

FILE NO. CC-46 AND CC-90

8. 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 review Cost Report of Weed Abatement Program for 1996.

Hearing Opened to the Public

There was no one wishing to speak on this item.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Mann, Warner second, unanimously adopted Resolution No. 96-176 confirming the cost of weed abatement in the City of Lodi during 1996 and providing for collection through the San Joaquin County Auditor's office. FILE NO. CC-24(b) AND CC-300

- 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 unmet transit needs within the City of Lodi.

The minutes from the Administrative hearing which was held on Thursday, November 14, 1996 at Hutchins Street Square is made an official part of these minutes and is attached as Exhibit A.

Hearing Opened to the Public

1. Alicia Tomoco (*unsure of spelling of name*), speaking on behalf of the Lawrence School parents, 11877 North Highway 99, Lodi, expressed the desire for a bus stop in the area of Lawrence School.

Public Portion of Hearing Closed

ACTION:

There was no action required in this matter.
FILE NO. CC-50(b)

- 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 appeal received from Byron Weisz regarding his application to install a pool at 1936 Edgewood Drive, Lodi.

ACTION:

The City Council, on motion of Council Member Pennino, Mann second, unanimously tabled indefinitely the Public Hearing to consider appeal received from Byron Weisz regarding his application to install a pool at 1936 Edgewood Drive, Lodi.
FILE NO. CC-6

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, Warner second, unanimously rejected the following claims:

1. Anita Fehling, date of loss 8/28/96
2. Paul Montalvo, date of loss 7/18/96
3. Susan Young and Mathew Brown, date of loss 6/1/96

Note: The two claims from Pacific Gas & Electric were pulled from the agenda.
FILE NO. CC-4(c)

Continued November 20, 1996

- b) City Clerk Perrin read the following ABC Licenses:
1. Ioannis E. Patronas, Golden Ox Restaurant, 410 West Kettleman Lane, Lodi, On-Sale Beer and Wine, Original License
FILE NO. CC-7(f)
- c) The following report was presented to the City Council:
1. Planning Commission report of November 11, 1996
FILE NO. CC-35(c)
- d) The City Council, on motion of Council Member Mann, Pennino second, unanimously made the following appointments:

Lodi Arts Commission

Janet Dillon	term to expire July 1, 1999
Sherry Smith	term to expire July 1, 1997

FILE NO. CC-2(k)

- e) The City Council, on motion of Council Member Sieglock, Mann second, unanimously directed the City Clerk to post for the following vacancy:

Parks and Recreation Commission

Keith Land	term to expire December 31, 1998
------------	----------------------------------

FILE NO. CC-2(h)

10. **REGULAR CALENDAR**

- a) The City Council, on motion of Council Member Mann, Pennino second, unanimously adopted Resolution No. 96-177 taking the following actions:
- approving the plans and specifications for bids for Central City Revitalization Improvements Project - Downtown and Cherokee Lane and authorized advertising for bids;
 - authorizing advertisement for City-furnished items for the project - benches, trash receptacles, flower pots, decorative bollards and fire hydrants;
 - approving installation of a four-way stop at the School and Elm streets intersection in conjunction with the Central City Revitalization (CCR) project (modify Traffic Resolution, as appropriate); and
 - approving change in direction of one-way alleys east of School Street between Lodi Avenue and Locust Street to eastbound in conjunction with the CCR project (modify Traffic Resolution, as appropriate).

FILE NO. CC-12.1(c), CC-45(a), CC-48(h) AND CC-300

- b) The City Council, on motion of Council Member Sieglock, Mann second, unanimously received for file the following reports and financial statements submitted by KPMG Peat Marwick LLP and the Finance Department for Fiscal Year 1995/96:

- The Combined Annual Financial & Single Audit Report
- The Management Letter
- The SAS 61 Report (Report to City Council)

Speaking on the matter were the following persons:

1. Pam Scott, with KPMG Peat Marwick, provided the City Council with an overview of the management letter (copy of which is on file in the City Clerk's office). Ms. Scott stressed the key focus was that no material weaknesses were found. It's recommendations are intended to enhance the City's efficiencies by focusing on policies and clarifying roles and responsibilities. In the opinion of KPMG Peat Marwick, the City of Lodi is fiscally sound.
2. Steve Stapp, with KPMG Peat Marwick, briefly explained the various reports that were presented to the City Council for the year ended June 30, 1996. KPMG issued the City of Lodi an unqualified audited opinion.

City Manager Flynn indicated this is a benchmark evening for the City of Lodi--this report was completed three months sooner than ever before. Mr. Flynn commended Finance Director McAthie and her staff for their excellent work on this matter.
FILE NO. CC-21(a)

- c) In regards to the request for marked pedestrian crosswalk across Turner Road at Casa de Lodi, the City Council, on motion of Council Member Sieglock, Mann second, unanimously deferred any action on this matter until the overall study of this segment of Turner Road occurs in early 1997.

Speaking on the matter were the following persons:

1. Richard Warner, representing the homeowners' association (approximately 240 residences), 15 Rio Vista Drive, Casa de Lodi, Lodi, expressed their concern about the safety of getting across the street and the speed limit. This is the only street in northeast Lodi that is 45 mph. The area residents agree with the recommendation that no action be taken now and that it be included in the overall project in early 1997. One solution that staff has suggested is a two-way left-turn lane and bike lanes resulting in reduced speeds. Mr. Warner read a letter from Dave Vaccarezza with California Waste supporting the reduction of the speed limit from 45 mph to 40 mph in that area. Mr. Warner further expressed thanks and appreciation to the Public Works Department for their cooperation and courtesies; and
2. Don Swanson, 238 Madera Drive, Casa de Lodi, Lodi, reminded the City Council that the residents in this area have been working on this longer than any of the Council Members have been on the Council. The concern has been for the safety of the people. The left-turn lane from Beckman to Cluff Avenue sounds like it would be very beneficial. Things are beginning to move in the right direction, and hopefully it will be resolved in early 1997.
FILE NO. CC-6 AND CC-48(b)

11. ORDINANCES

None.

12. RECESS

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

13. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

a) The City Council, on motion of Council Member Sieglock, Mann second, unanimously took the following actions:

- Approved the specifications for bids for compact pickup truck for the Street Division and authorized advertising for bids;
FILE NO. CC-12.1(b)
- Approved the specifications for bids for two 1750 GPM Class A Custom Fire Apparatus and authorized advertising for bids;
FILE NO. CC-12.1(b)
- Adopted Resolution No. 96-172 authorizing tax-exempt financing of the payment to Washington Water Power Company for termination of the Northern California Power Agency (NCPA) - Washington Water Power Company (WWP) power supply contract (**note: Council Member Pennino abstained from discussion and voting on this matter.**);
FILE NO. CC-51(d) AND CC-300
- Adopted Resolution No. 96-174 approving the revised class specification for Deputy City Manager;
FILE NO. CC-34 AND CC-300
- Received report on alternative methods of City transit fleet maintenance and converted two employees originally hired on a contractual basis to regular City employees; and
FILE NO. CC-34 AND CC-50(a)
- Approved the preparation and execution of a contract with David M. Griffith and Associates for the preparation of a cost allocation plan for the City of Lodi.
FILE NO. CC-21(a) AND CC-90

14. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

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) Welcomed the new Fire Chief; 3) Informed the public that the Council attended the groundbreaking today for the Hutchins Street Square auditorium. It is a real asset to the City and will continue to be so in the decades to come; and 4) Wished everyone a Happy Thanksgiving.
- b) Council Member Mann reminded the public that the new millennium is three years away. The City needs to start organizing the events for the turn of the century. Mr. Mann asked for Council concurrence for the Mayor to appoint a task force to start thinking creatively about what the City can do as far as events and ways to celebrate the new millennium.
FILE NO. CC-2(a) AND CC-6

Continued November 20, 1996

- c) Council Member Sieglock suggested that the Arts Commission be the group to plan for the new millennium. Mr. Sieglock also wished everyone a Happy Thanksgiving.
FILE NO. CC-2(a) AND CC-6
- d) Council Member Mann stressed that a task force be appointed, so that there will be a specific committee charged with the responsibility of making these plans. The task force could work closely with the Arts Commission.
FILE NO. CC-2(a) AND CC-6
- e) Mayor Warner informed the public that last Friday was the kick off of the Mayor's Annual Holiday Child Share toy drive. The Electric Utility Department showed up with a truck full of toys, which was greatly appreciated. The public was encouraged to think about those less fortunate than us and to give toys, food, blankets, coats, etc.
- f) Council Member Sieglock commended the local Cub Scouts for collecting 11 tons of canned goods in Lodi. The food stays here in town and benefits the City locally.
- g) Council Member Pennino mentioned that the local high schools will also be collecting canned goods this week.
- h) City Manager Flynn informed the Council that this Saturday, the Animal Friends Connection will have a grand opening at the Animal Shelter. Also on December 5 along School Street, there will be a Parade of Lights. It is an excellent time to celebrate the holidays, and everyone was encouraged to attend. Further, City Manager Flynn announced that there is a sign, which was put together by the Lodi Downtown Business Association (LDBA), in back of the room that will be used to promote downtown Lodi.

16. ADJOURNMENT

There being no further business to come before the City Council, Mayor Warner adjourned the meeting at approximately 8:46 p.m.

ATTEST:

Jennifer M. Perrin
City Clerk