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CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JANUARY 4, 1995  
7:00 P.M.

1. ROLL CALL

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

Absent: Council Members - None

Also Present: Acting City Manager Glenn, City Engineer Prima, City Attorney McNatt and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Lee Hamby, Temple Baptist Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

None.

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5. 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 \$1,759,498.12.  
FILE NO. CC-21(a)
- b) Agenda item #E-2 entitled, "Minutes - December 13, 1994 (Special Meeting), December 20, 1994 (Special Meeting) and December 21, 1994 (Regular Meeting)" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- c) Authorized sale of scrap wire and metal at periodic intervals during the calendar year 1995.  
FILE NO. CC-20 AND CC-47
- d) Agenda item #E-4 entitled, "Specifications and advertisement for bids for turf fertilizer for the Parks and Recreation Department" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- e) Adopted Resolution No. 95-01 awarding the bid for the purchase of 175 high-pressure sodium luminaires to the low bidder, American Electric (through manufacturer's representatives Davis, Gregory & Doll Company of Emeryville) in the amount of \$11,868.66.  
FILE NO. CC-12(d) AND CC-300

- f) Agenda item #E-6 entitled, "Contract award for Thurman Street Improvements, Beckman Road to 1,800 feet east of Beckman Road" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- g) Agenda item #E-7 entitled, "Measure K street projects - engineering services selection procedure" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Davenport.)

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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Davenport, Sieglock second, unanimously approved the minutes of December 13, 1994 (Special Meeting), December 20, 1994 (Special Meeting) and December 21, 1994 (Regular Meeting), which includes a language change indicating Council Member Davenport's dissension on the reappointment of Robert Johnson to the Parks and Recreation Commission and reflecting the motion regarding the City Clerk's proposed salary increase.  
FILE NO. CC-1(b)

- b) Council Member Davenport expressed his opposition to the specifications for bids for turf fertilizer for the Parks Department and indicated he would support the matter if the fertilizer was purchased in bulk. Council Member Pennino made a motion, Sieglock second, to approve the specifications for bids for 18 tons of Best "Turf Gold" slow-release turf fertilizer and authorize advertisement for bids and that staff research the matter further; however, the motion **failed** by the following vote:

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

FILE NO. CC-12.1(c)

- c) The City Council, on motion of Council Member Sieglock, Warner second, adopted Resolution No. 95-02 awarding the contract for Thurman Street Improvements, Beckman Road to 1,800 feet east of Beckman Road to DSS Company in the amount of \$388,111.78, and appropriated the necessary funds for the project by the following vote:

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

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

- d) The City Council, on motion of Mayor Mann, Sieglock second, approved a qualification-based selection procedure for outside engineering services for two Measure K street projects: Lower Sacramento Road widening, and Highway 12 widening under Highway 99, and authorized the Public Works Director to assemble a selection committee and oversee the selection process by the following vote:

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

FILE NO. CC-6, CC-45(a) AND CC-90

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 Mann called for the Public Hearing to consider the use of Federal Transit Assistance (FTA) funds for Fiscal Year 1994/95.

Hearing Opened to the Public

There was no one wishing to speak on the matter.

Public Portion of Hearing Closed

Staff informed the City Council that it would bring back its recommendations to the City Council.

FILE NO. CC-50(a)

8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney, City staff and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Sieglock, Pennino second, unanimously rejected the following claims and referred them back to ICA:

- 1. William Kowalski, date of loss 12/9/94; and
- 2. Gordon Williams, date of loss 8/23/94.  
FILE NO. CC-4(c)

- b) The City Council, on motion of Council Member Sieglock, Mann second, unanimously set public hearing for February 1, 1995 to consider letter from Baumbach and Piazza appealing the Planning Commission's decision to require an eight to ten foot right-of-way dedication for landscaping purposes outside the proposed Reverse Frontage Wall along Turner Road and the formation of a Lighting and Landscaping Assessment District, all at the Developer's expense, in the Towne Ranch Development, Phase 5.  
FILE NO. CC-35(c) AND CC-53(b)

- c) City Clerk Perrin informed the City Council that her office received Application No. 94-12-005 filed by Pacific Gas & Electric (PG&E) with the California Public Utilities Commission (CPUC) to change its base electric and gas rates, and rate for its Pipeline Expansion Project which would become effective January 1, 1996. Council Member Davenport informed the public that if anyone was opposed to this request they should contact the City Clerk's office for the address in which to write.  
FILE NO. CC-7(t)

9. REGULAR CALENDAR

- a) The City Council received a report from Virginia Snyder, Chairperson, Eastside Improvement Committee, regarding the activities of the Code Action Team (CAT). The City Council, on motion of Council Member Sieglock, Pennino second, unanimously indicated its support for the Code Action Team (CAT) and its efforts.  
FILE NO. CC-2(s) AND CC-6

- b) The City Council conducted a Public Meeting to consider a revised Business Tax Ordinance. Further, on February 15, 1995, the City Council will conduct a public hearing on the subject matter.

Speaking on the subject were the following persons:

1. Ken Cantrell, President, Lodi Downtown Business Association (LDBA), 2334 St. Anton Drive, Lodi, expressed the LDBA's support for the business license fee increase. Speaking on behalf of Longs Drug Store, Mr. Cantrell expressed his opposition to the multiplier (\$0.90/\$1,000 is too high);
2. Bob Johnson, President, Lodi District Chamber of Commerce, expressed the Chamber's support for the business license fee increase; however, the method should be based on a flat rate instead of gross receipts;
3. Eileen St. Yves, 310 South Orange Avenue, Lodi, expressed support for the increase in the business license tax and indicated that gross receipts should be a part of the formula;
4. Lou Fugazi, 925 Greenwood Drive, Lodi, indicated his support for a flat rate instead of gross receipts and questioned whether vendors who work in the City during the Lodi Grape Festival or the Chamber's Street Faire would be required to pay a business license tax;
5. Bill Sandeen, 410 South Mills Avenue, expressed his support for the gross receipts rate and urged the City to move forward in the matter. Further, Mr. Sandeen stated that the City would not be looking into business's books unless it became necessary to do so;
6. Dale Gillespie, 619 Sandstone Court, Woodbridge, speaking on behalf of several local auto dealers, indicated that the gross receipts methods is not fair to car dealers; however, an increase in the business license fee is necessary. Further, Mr. Gillespie requested clarification on the residential rental property category;
7. Tim Mattheis, 131 South Crescent Avenue, Lodi, expressed support for the gross receipts method;
8. Manuel Rocha, 324 South Sunset Drive, Lodi, agreed that the business license fee should be increased; however, he is afraid that the fee would be increased again in the near future when other projects surface that the City would like to see done; therefore, Mr. Rocha suggested that the business license fee increase have a ten to twelve year cap on it;
9. Jeannie Davenport, 445 Almond Drive, #45, Lodi, requested the City Attorney to again clarify whether or not the funds from the business license fee increase can be earmarked for special projects;
10. Clay Saylor, 41 North Sacramento Street, Lodi, indicated he would like to see a flat rate method established that would be equitable for the various businesses;
11. Cheryl Saucedo, 542 East Walnut Avenue, Lodi, questioned how long it would take for the City to make its decision on this matter because her business license fee is due, but she has not yet received the bill from the City; and
12. Scott Hayashi, 310 South Ham Lane, Lodi, expressed his support for raising the business license fee for the downtown area; however, Lodi should also consider providing incentives to businesses for moving downtown.

10. RECESS

Following public testimony regarding the Business Tax Ordinance, Mayor Mann declared a ten-minute recess and the City Council meeting reconvened at approximately 9:40 p.m.

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Continued January 4, 1995

11. REGULAR CALENDAR #H-2 REGARDING BUSINESS LICENSE TAX ORDINANCE (Continued)

- a) Following further discussion and suggestions by the City Council for the Business Tax Ordinance, it was determined that staff would return to Council at a Shirtsleeve Session prior to the February 15, 1995 Public Hearing with options.  
FILE NO. CC-6, CC-56, CC-72, CC-177 AND CC-400

12. REGULAR CALENDAR (Continued)

- a) The City Council, on motion of Council Member Pennino, Warner second, unanimously introduced Ordinance No. 1604 amending Lodi Municipal Code Section 10.40.020 relating to bicycle riding rules.  
FILE NO. CC-66, CC-149 AND CC-152
- b) The City Council received a report from Acting City Manager Glenn regarding the status of the GrapeLine buses. Further, the City Council, on motion of Council Member Sieglock, Warner second, unanimously rescinded the agreement with El Dorado Bus Sales, awarded the contract to California Bus Sales, authorized staff to move to exercise its legal rights, and authorized staff to take appropriate action(s) to keep the transit system on line.

Speaking on the matter was Mr. Buster Terry with California Bus Sales who answered several questions from the City Council.  
FILE NO. CC-6, CC-12(a), CC-12(b) AND CC-50(b)

13. MEETING OF THE LODI PUBLIC IMPROVEMENT CORPORATION (LPIC)

Mayor Mann adjourned the City Council meeting to the Lodi Public Improvement Corporation (LPIC). LPIC President Sieglock called the meeting to order.

The Corporation, on motion of President Sieglock, Pennino second, unanimously adopted Resolution No. 95-1 electing the following officers:

- President - Stephen J. Mann
  - Vice-President - David P. Warner
  - Treasurer - Dixon Flynn
  - Secretary - Jennifer M. Perrin
- FILE NO. CC-190 AND CC-300

14. CITY COUNCIL MEETING RECONVENED

Mayor Mann reconvened the City Council meeting at approximately 10:57 p.m.

15. MEETING OF THE INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

Mayor Mann adjourned the City Council meeting to the Lodi Industrial Development Authority (IDA). IDA Chairperson Sieglock called the meeting to order.

The Authority, on motion of Authorizing Member Warner, Mann second, unanimously adopted Resolution No. IDA-12 electing the following officers:

- Chairperson - Stephen J. Mann
  - Vice-Chairperson - David P. Warner
  - Treasurer - Dixon Flynn
  - Secretary - Jennifer M. Perrin
- FILE NO. CC-60 AND CC-300

Continued January 4, 1995

16. CITY COUNCIL MEETING RECONVENED

Mayor Mann reconvened the City Council meeting at approximately 10:58 p.m.

17. ORDINANCES

a) Ordinance No. 1599 entitled, "An Ordinance of the City Council of the City of Lodi Amending the Land Use Element of the Lodi General Plan by Redesignating the Parcels Located at 1 and 11 West Turner Road (APN's 041-250-10 and 26) from HI, Heavy Industrial to LDR, Low Density Residential (River Pointe Project)" having been introduced at a regular meeting of the Lodi City Council held October 5, 1994 was brought up for passage on motion of Council Member Sieglock, Pennino 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, Pennino, Sieglock and Mann (Mayor)
- Noes: Council Members - None
- Absent: Council Members - None
- Abstain: Council Members - Warner

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

b) Ordinance No. 1600 entitled, "An Ordinance of the City Council of the City of Lodi Amending the Official District Map of the City of Lodi and Thereby Rezoning the Parcels Located at 1 and 11 West Turner Road (APN's 041-250-10 and 26) from M-2, Heavy Industrial to P-D, Planned Development District (River Pointe Project)" having been introduced at a regular meeting of the Lodi City Council held October 5, 1994 was brought up for passage on motion of Council Member Pennino, 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, Pennino, Sieglock and Mann (Mayor)
- Noes: Council Members - None
- Absent: Council Members - None
- Abstain: Council Members - Warner

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

18. VOTE TO CONTINUE WITH MEETING FOLLOWING 11 P.M. HOUR

The City Council, on motion of Council Member Sieglock, Pennino second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

19. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

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

a) Council Member Warner urged Lodi residents to shop and to buy vehicles in Lodi. The sales tax dollars in Lodi are up and this ensures the continuation of increased sales tax in Lodi.

- b) Council Member Davenport wished everyone a Happy New Year, thanked everyone for coming to the meeting and commented on the following matters: (1) Reminded everyone to be ever mindful of the gangs; (2) Informed citizens that King Videocable will be increasing its rates soon; (3) Received a letter supporting the increase in the pet licensing fees and encouraged anyone with input to contact the City Council; (4) Received letter from Council Member Pennino regarding the National League of Cities (NLC) conference he attended in Minneapolis, Minnesota. The letter by Mr. Pennino indicates that the City Council approved the downtown revitalization; however, Mr. Davenport stated that it was only approved *in concept*; (5) Commented on one of the claims rejected at this meeting regarding the Police Department towing away a vehicle. Mr. Davenport suggested that the Police Department take more time to locate the owner before towing away a vehicle. Further, Mr. Davenport stated that the City of Lodi is currently denying verified claims having to do with power surges because it is the owner's responsibility to protect its appliances; and (6) Received the annual report from the San Joaquin County Mosquito and Vector Control which is available for the public's review.  
FILE NO. CC-4(c), CC-7(r) AND CC-65
- c) Council Member Mann responded to Mr. Davenport's comment regarding the rejecting of claims having to do with power surges. Rejecting the claims is only a formality. They are referred to the City's contract administrator for review, and if the claim is deserving of a settlement it will be paid.  
FILE NO. CC-4(c)
- d) Council Member Pennino commented on a recent article that appeared in Money Magazine regarding ways to maximize a company's benefits. Mr. Pennino forwarded the article to the City Clerk and asked that copies be provided to the City Council and the City Manager. Council Member Pennino requested Council concurrence to schedule this matter for a future Shirtsleeve Session. Further, Council Member Pennino informed the City Council that during the NLC conference in Minneapolis, he had the opportunity to visit with the Vice President of General Mills and a report on the matter will be forthcoming.  
FILE NO. CC-6, CC-7(r) AND CC-21.1(g)
- e) Council Member Sieglock commented on an article he read recently regarding black safety belts which are used by local City employees to prevent back injuries when lifting. Council Member Sieglock requested that City staff look into Lodi employees using the belts to lower the amount of claims of injuries from lifting.  
FILE NO. CC-6
- f) Mayor Mann read a letter from Mike Nilssen of the Senior Citizens Commission announcing his resignation from the commission due to his acceptance of a position with his company in Oregon.  
FILE NO. CC-2(i)
- g) Acting City Manager Glenn informed the City Council that on New Year's Eve, Dial-A-Ride provided rides for approximately 309 people. Also, Mr. Glenn received a letter from California Joint Powers Risk Management Authority (CJPRMA) assuring each member agency that it has no investments like the one that caused the fiasco in Orange County. It has sound investments.  
FILE NO. CC-21.1(e) AND CC-50(b)

21. CLOSED SESSION

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

- a) Labor Relations - International Brotherhood of Electrical Workers (IBEW) and United Firefighters of Lodi (UFL)  
*Negotiator: Assistant City Manager Jerry L. Glenn*

22. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 11:32 p.m. and Mayor Mann declared the following actions:

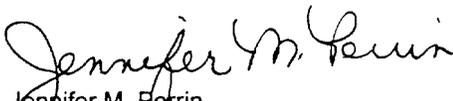
Labor Relations - International Brotherhood of Electrical Workers (IBEW) and United Firefighters of Lodi (UFL) - Negotiator: Assistant City Manager Jerry L. Glenn

No final action was taken on the matters.  
FILE NO. CC-200(a)

23. ADJOURNMENT

There being no further business to come before the City Council, Mayor Mann adjourned the meeting at approximately 11:32 p.m.

ATTEST:

  
Jennifer M. Ferrin  
City Clerk