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CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 1, 1995
7:00 P.M.

1. ROLL CALL

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

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Engineer Prima, City Attorney McNatt and Acting City Clerk Taylor

2. INVOCATION

The invocation was given by Assistant City Manager Jerry L. Glenn.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Mann presented a proclamation to Barbara Wardrobe-Fox, proclaiming the week of March 13 - 19, 1995 as "Soroptimist Image Week". Ms. Wardrobe-Fox announced Soroptimist will be hosting a 'Classic Clothes' sale at 211 Lakewood Mall on Saturday, March 4, 1995 from 8:00 a.m. to 3:00 p.m., and encouraged all to attend.
- b) Mayor Mann presented a proclamation to Lillian Goldsmith and Matt Petrick, proclaiming the month of March, 1995 as "Lodi Community Concert Association Month".
- c) Police Chief Larry Hansen and CSO Jeanie Biskup introduced the fifth graduating class of the Partners Program Academy to Council Members and the public.
FILE NO. CC-152

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Davenport second, approved the following items hereinafter set forth **except as otherwise noted:**

- a) Claims were approved in the amount of \$1,626,230.71.
FILE NO. CC-21(a)
- b) The Minutes of February 14, 1995 (Adjourned Regular Meeting), February 14, 1995 (Special Meeting) and February 15, 1995 (Regular Meeting) were approved as written.
- c) Approved the special allocation of \$29,257.24 and authorized the purchase of office furniture and equipment to remodel the police department records section and watch commander's office.
FILE NO. CC-21(a) and CC-152

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- d) Agenda item #E-4 entitled, "Purchase of Turf Fertilizer for the Parks Department (\$8,242.88)" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Mann.)
- e) Agenda item #E-5 entitled, "Finance Department Contract Employee" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Pennino.)
- f) Authorized City Manager to execute a professional services agreement with Wilbur Smith Associates for Phase II of the Downtown Multimodal Station Project and appropriate \$283,400 in Federal Transit Assistance and Measure K funds for the project.
FILE NO. CC-6, CC 50(b) and CC-90
- g) Accepted the improvements for "Lane Line Painting, Various Streets, 1994" and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
FILE NO. CC-45(a) and CC-90
- h) Adopted Resolution No. 95-26 awarding the contract for 1994/95 Handicap Ramp Retrofit Project, Various Locations to Farwest Safety, Inc. of Tracy in the amount of \$39,111.
FILE NO. CC-45(a), CC-90 and CC-300
- i) Adopted Resolution No. 95-27 awarding the contract for 1995 Sidewalk Repair Program and Miscellaneous Concrete Work to Jeff Case Construction of Galt in the amount of \$63,828.75.
FILE NO. CC-45(e), CC-90 and CC-300
- j) Set a public hearing for April 5, 1995 to discuss changes to the Sewer Ordinance (Lodi Municipal Code, Chapter 13.12, Sewer Service).
FILE NO. CC-44 and CC-149
- k) Agenda item #E-11 entitled, "Development of 'Local Rule' for Water Measurement Law, Senate Bill 229 (1992)" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Sieglock.)
- l) Adopted Resolution No. 95-29 awarding the purchase of a one-ton cab and chassis for the Water/Wastewater Division of the Public Works Department to Stan Morri Ford, Tracy, California, in the amount of \$24,259.37.
FILE NO. CC-12(d), CC-158 and CC-300
- m) Rescinded the contract award to Benton Fence and Drilling and authorize staff to fulfill its obligation to the Lodi Unified School District by purchasing the playground equipment for Washington School directly from the supplier, and by using purchase orders for the work needed to install the equipment and complete the project.
FILE NO. CC-7(e), CC-43 and CC-90
- n) Approved the plans and specifications for bids for Blakely Park Pool Resurfacing, 1050 South Stockton Street and authorized advertising for bids.
FILE NO. CC-12-1(c), CC-27(c) and CC-59
- o) Agenda item #E-15 entitled, "Designation of Portion of Existing City Street Development Impact Mitigation Fee as Interim Regional Traffic Impact Fee" was removed from the Consent Calendar and discussed and acted upon at the end of the consent calendar. (Removed by Council Member Davenport.)

- p) Adopted Resolution No. 95-31 granting permission to destroy the following obsolete records in the Personnel Department in excess of two years of age:
- Personnel employment records of separated part-time employees
 - Sick leave conversion files of separated employees who are either deceased or their conversion has expired
 - Extended benefit files of participants who have separated from service
 - Miscellaneous files of separated employees (i.e. long term disability files and deferred compensation participation agreements).

FILE NO. CC-6, CC-34 and CC-300

- q) Authorized the Finance Director/Purchasing Officer to dispense with formal bidding and negotiate the purchase of copy paper for use by City Departments for the six-month period ending August 31, 1995.

FILE NO. CC-21(a) and CC-159

6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Mann, Warner second, unanimously adopted Resolution No. 95-25 awarding the bid for purchase of turf fertilizer to San Joaquin Sulfur Company of Lodi, in the amount of \$8,242.88.

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

- b) The City Council, on motion of Council Member Pennino, Sieglock second, authorized a personal services contract with Tyson Mordhorst for technical support and assistance to the Finance Department for a period not to exceed two years, with a sick leave earning rate of 10 days per year, and further authorized the use of contingency funds not to exceed \$20,000.00 by the following vote:

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

FILE NO. CC-21(a), CC-34 and CC-90

- c) The City Council, on motion of Council Member Sieglock, Davenport second, unanimously adopted Resolution No. 95-28 establishing a "Local Rule" to allow the City of Lodi to continue collecting fees on new water services for water meters and installation, and further, to approve placement of the funds into a dedicated account to provide for water meter installations in the future.

FILE NO. CC-56, CC-183(g) and CC-300

- d) The City Council, on motion of Council Member Pennino, Warner second, adopted Resolution No. 95-30 designating 42% of Lodi's Street Development Impact Mitigation Fee as the Interim Regional Traffic Impact Fee for improvements on the Regional Congestion Management System by the following vote:

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

FILE NO. CC-48(a), CC-56 and CC-300

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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 Mann called for the Public Hearing to consider Reimbursement Agreement #RA-95-02 for public improvements for Sunwest Plaza Shopping Center.

Hearing Opened to the Public

There was no one wishing to speak on the matter.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Davenport, Pennino second, approved Reimbursement Agreement #RA-95-02 for public improvements in Lower Sacramento Road and Kettleman Lane constructed with the Sunwest Plaza Shopping Center by the following vote:

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

FILE NO. CC-46, CC-53(f) and CC-90

8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney and the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Sieglock, Warner second, rejected the following claim and referred it back to ICA:

1. Cheryl Harvey, date of loss 10/23/94
FILE NO. CC-4(c)

- b) Acting City Clerk Taylor read the following ABC License:

1. Dodie, Inc., Food 4 Less, 2430 West Kettleman Lane, Lodi, Off Sale General,
Original License
FILE NO. CC-7(f)

- c) The following reports were presented to the City Council:

1. Planning Commission report of February 13, 1995

The City Council, on motion of Sieglock, Pennino second, set a public hearing for March 15, 1995 to consider Planning Commission's recommendations to prezone the 10.01 acre parcel east of the eastern terminous of East Turner Road (APN 049-080-73) to M-2, Heavy Industrial; and to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project, 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-35(c) and CC-53(a)

2. Virginia Snyder provided Council Members with a report of the East Side Improvement Committee, including a "wish list" of the Committee's proposed goals for the future. (Council Member Pennino requested this item be placed on a future shirtsleeve session for discussion.)
FILE NO. CC-2(s)

- d) The City Council, on motion of Council Member Warner, Sieglock second, unanimously concurred with staff recommendation to extend the Notice of Public Nuisance and Order to Abate for the property located at 310 Cypress Street, Lodi, for a period of 60 days.
FILE NO. CC-24(c) and CC-146

- e) The City Council, on motion of Council Member Sieglock, Warner second, made the decision to take separate action on the requests of Geweke Properties (for General Plan Amendment and Rezoning) and Lodi Southwest Associates (to initiate Rezoning) for properties located at Lower Sacramento Road and Kettleman Lane by the following vote:

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

- f) The City Council, on motion of Council Member Sieglock, Pennino second, initiated the General Plan amendment, rezoning, negative declaration and annexation applications received from Dale Gillespie on behalf of Geweke Properties to the Planning Commission for the parcels at 15201 North Lower Sacramento Road and 570 East Taylor Road (i.e. Northwest corner of Lower Sacramento Road and Kettleman Lane/State Route 12) by the following vote:

Ayes: Council Members - Pennino, Sieglock and Warner
Noes: Council Members - Davenport
Absent: Council Members - None
Abstain: Council Members - Mann (Mayor)
FILE NO. CC-8(a), CC-35(a) and CC-53(a)

- g) The City Council, on motion of Council Member Sieglock, Pennino second, initiated the rezoning applications received from Lori Wentland McIntosh on behalf of Lodi Southwest Associates to the Planning Commission for 21.46 acres of commercial/retail property located at the southwest corner of Lower Sacramento Road and Kettleman Lane by the following vote:

Ayes: Council Members - Pennino, Sieglock and Warner and Mann (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None
FILE NO. CC-35(c) and CC-53(a)

Speaking on items f) and g) were the following:

1. Barbara McWilliams, President of the Lodi Downtown Business Association, spoke in support of the items but expressed concern that strip malls not be built in conjunction with the "big box" shopping areas.
2. Mike Lapenta, 1718 Edgewood Drive, Lodi, spoke in opposition of Council taking any action on these items at this time.
3. Dale Gillespie, 1045 S. Cherokee Lane, Lodi, on behalf of Geweke Properties, spoke in support of Council initiating the process to the Planning Commission.

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9. REGULAR CALENDAR

- a) The City Council, on motion of Council Member Sieglock, Pennino second, directed the City Manager to enter into a one-year contract with 3M National Advertising Company for advertising on the two billboards on Highway 99 at a monthly fee of \$1,034.57, representing a six percent increase over the present fee by the following vote:

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

Speaking on the matter were the following:

- 1. Barbara Wardrobe-Fox, Lodi, spoke in opposition of the contract, feeling the money could be better spent on promoting business in Lodi.
- 2. Jim Schwackardt, 2335 Woodlake Circle, Lodi, President of the Lodi Chamber of Commerce spoke in support of the contract.

FILE NO. CC-6, CC-59 and CC-90

- b) The City Council, on motion of Council Member Pennino, Sieglock second, introduced Ordinance No. 1608 repealing and re-enacting Lodi Municipal Code Title 6 (animal control provisions) with language changes from the draft of February 15, 1995, including: prohibiting additional pot belly pigs from being kept in the City, but allowing those residing here now to remain, specifying the pigs remaining must be under 100 pounds and 22 inches in height, that they must be spayed or neutered, and that the owners must register the animals with Animal Control before May 1, 1995; and further, that up to five dogs and/or cats per household may be kept, which entirely eliminates Chapter 6.10 covering the need for "Animal Fancier" permits; and additional changes to the "Animal Noise" sections, covering noises produced by any animal, not just dogs, and more stringent provisions as to the requirements for determining "incessant" noise by the following vote:

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

Speaking on the matter were the following:

- 1. Don Power, 1825 South Church Street, Lodi, spoke in favor of the ordinance.
- 2. Dawn Power, 401 East Chestnut, Stockton, spoke in favor of the ordinance.

FILE NO. CC-65 and CC-149

10. RECESS

Mayor Mann declared a ten-minute recess and the City Council meeting reconvened at approximately 8:54 p.m.

11. REGULAR CALENDAR (Continued)

- a) City Council, by motion of Council Member Sieglock, Pennino second, directed staff to set a public hearing for March 15, 1995 to evaluate the proposal submitted by California Waste Removal Systems and make a recommendation for rates for residential and commercial refuse collection and disposal 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-54

- b) City Council, by motion of Council Member Mann, Warner second, approved the appropriation of funds, and further approved the plans and specifications for Civic Center Improvements (Phase II), City Hall Remodel, and authorized advertising for bids by the following vote:

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

FILE NO. CC-12.1(a), CC-59 and CC-81

12. ORDINANCES

- a) Ordinance No. 1607 entitled, "An Ordinance of the City of Lodi Repealing Chapter 5.04 and 9.16.010 B of the Lodi Municipal Code and Adding Chapters 3.01 and 9.16.010 B to the Lodi Municipal Code Relating to Business Tax Certification and Business Permits" having been introduced at a regular meeting of the Lodi City Council held February 15, 1995 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 - Pennino, Sieglock and Mann (Mayor)
Noes: Council Members - Davenport and Warner
Absent: Council Members - None

FILE NO. 21(a), CC-56, CC-149 and CC-177

13. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Michael O'Brien, 445 East Almond Drive, Lodi, expressed concern over current problems in Cambridge Place, and requested City staff and Council's continued assistance in cleaning up the problem and working toward solutions.
- b) Arthur Price, 1053 Port Chelsea Circle, Lodi, expressed concern over a newspaper article regarding a landlord being required to pay the City of Lodi for cleanup of a drug lab on her property caused by the tenants. (City Attorney McNatt will provide Council a written outline of current City procedures regarding drug lab clean-up steps and expenses.)
- c) Virginia Snyder, P.O. Box 2444, Lodi, spoke in support of City staff's efforts to clean up neighborhoods and drug labs, and commented on the necessity in continuing this work.

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- d) Janet Pruss, 2421 Diablo Drive, Lodi, expressed concern that Library staff was unable to locate the Council packet this evening for review prior to the meeting. City Clerk Taylor advised Mrs. Pruss that the Library did receive a copy, and Mrs. Taylor would check to be sure future Council packets are available at the Library for public review at all times.
- e) Virginia Lahr, 311 East Elm Street, Lodi, offered her services as a mediator for landlord/tenant disputes, and suggested the "Tenants Rights and Responsibilities" booklet for assistance in dealing with disputes of this nature.
- f) Tom Murphy, 445 East Almond Drive, Lodi, expressed concern that the City is understaffed, more code enforcement is needed, and asked that animal control respond immediately to all reports of vicious dog on private property.
- g) Erma Willmet, 445 East Almond Drive, Lodi, expressed concern that animal control continues to respond to all animal calls within the private property of Cambridge Place.

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

- a) Council Member Pennino encouraged staff and citizens to proceed with the next steps in the approved Downtown and Cherokee Lane Revitalization plan, moving forward toward the goal of completing this important project.
FILE NO. CC-72 and CC-400
- b) Council Member Davenport thanked everyone for coming to the meeting and commented on the following matters: (1) reminded everyone to be ever mindful of the gangs; (2) commented that the police department is currently seeking grant funds to help deal with the crime in Lodi; (3) mentioned that Food 4 Less is now open, but the Lucky Store on Lodi Avenue is closed, and would hope Lucky will return to the area soon; (4) recently drove through some alleys in Lodi, specifically in the downtown area, and commented on the public nuisance of trash and filth present in the alleys.
FILE NO. CC-45(a)
- c) Assistant City Manager Glenn reported that four new GrapeLine buses have arrived and are currently in service, and El Dorado Bus Sales will pick up their loaner buses soon.
FILE NO. CC-50
- d) City Clerk Taylor announced that Jennifer Perrin (City Clerk) and her husband Steve are the proud parents of a baby girl, Rachel Nicole, born March 1, 1995 at 6:31 p.m.

15. CLOSED SESSION

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

- a) Threatened Litigation - State of California v. City of Lodi (PCE Contamination)
- b) Litigation - Dibromochloropropane (DBCP)
- c) Labor Relations: International Brotherhood of Electrical Workers (IBEW) and United Firefighters of Lodi (UFL)
Negotiator: Assistant City Manager Jerry L. Glenn

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16. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

Mayor Mann reconvened the City Council meeting at approximately 10:30 p.m. and disclosed the following actions:

Threatened Litigation - State of California v. City of Lodi (PCE Contamination)

No final action was taken.

Litigation - Dibromochloropropane (DBCP)

No final action was taken.

Labor Relations: International Brotherhood of Electrical Workers (IBEW) and United Firefighters of Lodi (UFL)

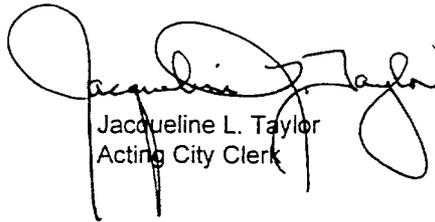
Negotiator: Assistant City Manager Jerry L. Glenn

No final action was taken.

17. ADJOURNMENT

There being no further business to come before the City Council, Mayor Mann adjourned the meeting at approximately 10:30 p.m..

ATTEST:



Jacqueline L. Taylor
Acting City Clerk