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CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, AUGUST 16, 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 Flynn, Acting Assistant City Manager/Public Works Director Ronsko, Community Development Director Schroeder, Fire Chief Howard, Interim City Attorney Stovall 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 Mann.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Representatives from the Lodi District Chamber of Commerce were unable to attend the meeting; therefore, the presentation will be rescheduled for the City Council meeting of September 6, 1995.
- b) Patrick Doran, Chairman for Field and Fair Day #16, invited the Lodi City Council and the public to attend Field and Fair Day on Labor Day, September 4, 1995, at Hutchins Street Square. The kick-off is the teen dance to be held on September 1, 1995, and the "Saturday Night Party" which will be held on September 2, 1995. Tickets for the party are \$85.00 per person which includes two drinks. Field and Fair Day will begin with 15 hot air balloons lifting off and the Kiwanis breakfast at 6:30 a.m. Some of the featured events will be a milking contest between Mayor Mann and City Manager Flynn, "Farming at the Square", dog races, 5k and 10k runs, in-line skating and a poker walk. There will be performers and good food. T-shirts and script are currently on sale at Longs and will also be sold at Field and Fair Day. If anyone is interested in volunteering or would like to make a contribution contact Shelby Eichele at 333-7863.
- c) Hank Howard, Fire Chief, requested permission to conduct a Fire Prevention Week Parade on October 14, 1995 at 11:00 a.m. on School Street, beginning at Lodi Avenue and ending at Locust Street during "Fire Prevention Week" which is October 8 - 15, 1995. The parade will be both fun and educational for adults and children. Sparky, the Fire Dog, will be there to educate kids on the dangers of fire. Fire Chief Howard invited the City Council to ride in the parade in one of the many cars and vehicles. Also hoping to participate in the festivities is the Mokelumne and the Woodbridge Fire Districts. Council Member Pennino stated this parade will help in the revitalization of the downtown.
- FILE NO. CC-72 AND CC-112
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5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Sieglock second, approved the following items hereinafter set forth **except those otherwise noted** which were removed and discussed and acted upon at the end of the agenda (following the Comments by the City Council Members segment) by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

- a) Claims were approved in the amount of \$3,455,675.40.  
FILE NO. CC-21(a)
- b) The Minutes of August 2, 1995 (Regular Meeting) were approved as written.
- c) Approved the plans and specifications for the Henning Substation Control Panel Building and authorized advertisement for bids.  
FILE NO. CC-12.1(c)
- d) Agenda item #E-4 entitled, "Plans and specifications and advertisement for bids for White Slough Water Pollution Control Facility Holding Pond No. 2 embankment rehabilitation" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- e) Approved the specifications for bids for engineering plotter for the Electric Utility Department and authorized advertisement for bids.  
FILE NO. CC-12.1(b)
- f) Adopted Resolution No. 95-99 awarding the bid for the purchase of six sizes of padmount transformers to the two bidders whose proposals and equipment meet City of Lodi specifications, and whose transformers yielded the lowest overall life-cycle costs:

Cooper Power Systems, Milwaukee, WI (Items 1, 2 and 3)	\$29,150.70
Western States Electric, Portland, OR (Items 4, 5 and 6)	\$20,375.53

FILE NO. CC-12(d) AND CC-300
- g) Adopted Resolution No. 95-100 awarding the bid for the purchase of ten sizes of polemount transformers to the three bidders whose proposals and equipment meet City of Lodi specifications, and whose transformers yielded the lowest overall life-cycle costs:

Cooper Power Systems, Milwaukee, WI (Item 1)	\$ 4,406.98
G.E. Supply Co., Sacramento, CA (Items 2, 3, 7 and 8)	\$36,874.20
Wesco Supply Co., San Francisco, CA (Items 4, 5, 6, 9 and 10)	\$54,555.70

FILE NO. CC-12(d) AND CC-300
- h) Adopted Resolution No. 95-101 awarding the bid for the purchase of 400 stacking chairs to the low bidder, Delta Office Systems of Stockton, in the amount of \$6,034.00  
FILE NO. CC-12(d) AND CC-300
- i) Adopted Resolution No. 95-102 awarding the contract for Well 3R enclosure, 144 South Rose Street to Diede Construction of Woodbridge in the amount of \$135,964.00.  
FILE NO. CC-12(c) AND CC-300

Continued August 16, 1995

- j) Accepted the improvements under the "Transit Administration Offices, 115 North Pleasant Avenue" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's Office.  
FILE NO. CC-90
- k) Approved the final map for Century Meadows Two, Unit No. 2, Tract No. 2693, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.  
FILE NO. CC-46 AND CC-90
- l) Agenda item #E-12 entitled, "Mokelumne River Conjunctive Use Joint Project Study Agreement between San Joaquin parties and East Bay Municipal Utility District" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- m) Approved execution of hold harmless agreement regarding the sale of Well Site No. 1, located at 230-1/2 East Lodi Avenue.  
FILE NO. CC-90
- n) Agenda item #E-14 entitled, "Traffic resolution amendment - intersection control, Robert Street at Loma Drive" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- o) Agenda item #E-15 entitled, "Installation of railroad crossing protection, Pleasant Avenue at Lockeford Street" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Mayor Mann.)
- p) Agenda item #E-16 entitled, "Ordinance repealing and reenacting Lodi Municipal Code §15.20.220 relating to automatic fire extinguishing systems" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Warner.)
- q) Adopted Resolution No. 95-105 authorizing the increase for fingerprint processing fee associated with Concealed Weapon Applications from \$57.00 to \$81.00 to cover the \$14.00 user fee implemented by the Federal Bureau of Investigations (FBI).  
FILE NO. CC-56, CC-152 AND CC-300
- r) Adopted Resolution No. 95-104 establishing the 1995-96 tax rate for bond interest and redemption at .0123 per \$100 of assessed valuation.  
FILE NO. CC-21(a) AND CC-300

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6. 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 Planning Commission's recommendations that the City Council downzone East Lodi Avenue on the north side, the 200 block, the 300 block, the 400 block and 501-545 of the 500 block and on the south side 104-112 of the 100 block, the 200 block, the 300 block, the 400 block and 500-526 of the 500 block from C-2, General Commercial to C-1, Neighborhood Commercial.

Hearing Opened to the Public

1. Russell Ings, 334 East Lodi Avenue, Lodi, owner of a lunch truck business, expressed opposition to this matter and requested that any decision be held off for one month while property owners learn more regarding the proposal; and
2. Gary Buzunis, 964 Lucas Road, Lodi, complained that he was not notified by the City regarding this matter. Mr. Buzunis feels the property value would go down if the zoning were changed from C-2 to C-1, in addition to the limit of uses for the property. Mr. Buzunis requested that the City Council put off its decision on this matter for at least 60 days.

**Public Portion of Hearing Was Not Closed.**

**ACTION:**

The City Council, on motion of Council Member Sieglock, Davenport second, unanimously continued the public hearing until the City Council meeting of October 18, 1995. Council Member Sieglock suggested that an appraisal of the area be made to assess whether or not property values would increase or decrease.

FILE NO. CC-53(a)

- 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 Mann called for the Public Hearing to consider the appeal of Mike Collins of the Planning Commission's denial of the tentative Subdivision Map of Hutchins Village, a 7-lot single-family residential project to be located at 425 and 429 West Locust Street (northeast corner of Locust and Hutchins Street) in an area zoned R-1\*, Single-Family Residential - Eastside.

Hearing Opened to the Public

1. Hannelore Baird, 419 West Locust Street, Lodi, lives adjacent to 425 West Locust Street, Lodi, and is concerned about having seven homes on these two properties, because it restricts space, causes problems in parking, and leaves no room for children to play. The neighborhood is going down fast because of the landlords, and the property must be kept up. Ms. Baird stressed that there be enough parking spaces;
2. Blake Miller, 401 West Locust Street, Lodi, stated his concern that the area is invaded by apartments all around and his fear of the type of environment that would come into that neighborhood;
3. Bob Reynolds, 428 West Lockeford Street, Lodi (which is across from the alley of the properties in question), indicated that he welcomes the development of the area as long as it is done right. Mr. Reynolds understands that the reason for the denial at the Planning Commission level was due to lack of off-street parking. Most of the cars will have to park in the street;
4. Mike Collins, developer for the project, 13 South California Street, Lodi, expressed his support for the project and for granting the appeal. He is planning on including two-car garages on each of the new developments; however, it cannot be done on the existing homes. They will only be able to have a one-car garage; however, the driveways would be long enough to accommodate two cars if necessary, but a covered area for two cars is not feasible;

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- 5. Joe Handel, 416 West Locust Street, Lodi, shared with the City Council that most of the single-family houses have off-street parking off of the alley; however, there is a parking problem there. He would like to see the development come in, but would like to be assured minimum square footage on the houses so no one puts in a 600 - 800 square foot house. Mr. Handel requested that the matter be sent back to the Planning Commission so that assurances could be made regarding the square footage, the condition of the two existing homes, and the parking;
- 6. Ron Fugazi, 140 South Orange Street, Lodi, has owned this property for 8 years and has tried to keep it up. It's time for this area to be developed otherwise it will sit for a while with the current problems. Mr. Fugazi is sure the developer will do what is best for the area; and
- 7. Mamie Starr, Administrative Director for Facilities Planning, Lodi Unified School District (LUSD), 1305 East Vine Street, Lodi, informed the City Council that the School District will be proposing an overall process for Tentative Maps for future matters.

Public Portion of Hearing Closed

**ACTION:**

The City Council, on motion of Council Member Sieglock, Pennino second, granted the appeal of Michael Collins making findings that the unique circumstances applicable to the property, including the older nature of the parcel and the existing physical structures on it, when coupled with the requirement to create additional structures—that is to say, two car garages—deprive this property of privileges—that is to say, the ability to economically subdivide—which would be enjoyed by other properties in the neighborhood and the variance shall be granted solely on condition that the two lots on which there are existing structures shall have on each of them a one car garage and a driveway to sufficiently park another car and that condition shall then become part of the tentative subdivision map and the Planning Commission's denial of the map and subject to the conditions of the Fire Department and the Public Works Department contained in the memo in the staff report by the following vote:

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

FILE NO. CC-53(b)

7. RECESS

Mayor Mann declared a ten-minute recess and the City Council meeting reconvened at approximately 9:40 p.m.

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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 Mayor Mann, Warner second, unanimously rejected the following claims:

- 1. Shawn Goff, date of loss 6/2/95
- 2. Maria Ruiz, date of loss 4/20/95  
FILE NO. CC-4(c)

b) City Clerk Perrin read the following ABC Licenses:

- 1. Lucky Stores, Inc., A Delaware Corporation, Southwest Corner of West Lodi Avenue and Hutchins Street, Lodi, Off-Sale General, Premises to Premises Transfer;
- 2. Thrifty Payless, Inc., 520 West Lodi Avenue, Lodi, Off-Sale General and Off-Sale Beer and Wine License;
- 3. Coco's Restaurant, 2347 West Kettleman Lane, Lodi, On-Sale Beer and Wine, Original License; and
- 4. Joseph Connole to Christian Knox, Applebee's, 2442 West Kettleman Lane, Lodi, On-Sale General, Person to Person and Premises to Premises Transfer.  
FILE NO. CC-7(f)

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

Lodi Arts Commission

Melinda Sparks            Term to expire July 1, 1997

Greater Lodi Area Youth Commission

Carrie Crain

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

9. REGULAR CALENDAR

None.

10. ORDINANCES

None.

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

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

- a) Council Member Davenport thanked everyone for coming to the meeting and thanked the Planning Commission Members present for representing the Commission this evening. Mr. Davenport commented on the following matters: 1) Reminded the public to be ever mindful of the gangs; 2) Expressed appreciation to the boards and commissions members and the work that they do; 3) This is the second City Council meeting for City Manager Flynn. Mr. Flynn has an open door policy and is sensitive to issues and the public is welcome to contact him; 4) Currently negotiating with various bargaining units; 5) The City Council is currently in the process of hiring a new City Attorney and has interviewed five candidates; 6) Would still like to see a department policy book; 7) To date no one has been contacting factory representatives to bring outlets to the downtown area, and this is something the Economic Development Coordinator should be working on. Current businesses are ready to get out of the area because they are operating in the red; 8) Has heard that there are problems with the construction at the "new restaurant" and hopes that all of the workers and the public are respectful and work together; and 9) Informed the public that there is no Shirtsleeve Session next week.  
FILE NO. CC-72 AND CC-400
- b) Council Member Warner informed the public that the Beer Fest in downtown Lodi was a great success and hopes it will continue. Further, the American Legion Baseball team won the State championships and is going to Regionals. If they win they will continue on to the American Legion World Series. The games start next week. Good luck!
- c) City Manager Flynn announced to the City Council that there will be a Business Leadership Summit on September 30, 1995. There are eight seats available, so please respond if planning to attend. Mr. Flynn also had the opportunity to meet with Richard Jones, Executive Director of the Boys and Girls Club. They will be coming back to the City Council in either September or October with funding possibilities to complete its project. Further, at the most recent Department Head meeting, Mr. Mark Chandler with the Lodi Grapegrowers Commission made a presentation, and will come back on the September 21, 1995 agenda to make a presentation to the Lodi City Council. City Manager Flynn met with the San Joaquin County Council of Governments (COG) and they are in the process of forming an action plan structured for the law and justice system. It is being recommended that the Police Chief be appointed to this committee.  
FILE NO. CC-6

13. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Warner, Mann second, unanimously approved the plans and specifications for bids for White Slough Water Pollution Control Facility Holding Pond No. 2 embankment rehabilitation and authorized advertisement for bids.  
FILE NO. CC-12.1(c)
- b) The City Council, on motion of Council Member Pennino, Warner second, authorized the City Manager to execute the Mokelumne River Conjunctive Use Joint Project Study Agreement between San Joaquin parties and East Bay Municipal Utility District by the following vote:  
  
Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)  
Noes: Council Members - Davenport  
Absent: Council Members - None  
  
FILE NO. CC-90 AND CC-184

- c) The City Council, on motion of Council Member Sieglock, Pennino second, adopted Resolution No. 95-103 amending Traffic Resolution #87-163 by approving the installation of stop signs on Robert Street at Loma Drive 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(h) AND CC-300

- d) The City Council, on motion of Mayor Mann, Davenport second, unanimously tabled the discussion regarding the installation of railroad crossing protection, Pleasant Avenue at Lockeford Street until the meeting of September 6, 1995 to include justification for this request.

FILE NO. CC-48(c)

- e) Mayor Mann made a motion, Sieglock second, to introduce Ordinance No. 1621 repealing and reenacting Lodi Municipal Code §15.20.220 relating to automatic fire extinguishing systems which **failed** by the following vote:

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

FILE NO. CC-6 AND CC-112

14. CLOSED SESSION

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

- a) Labor Relations - United Firefighters of Lodi (UFL); San Joaquin Public Employees' Association (SJPEA) regarding General Services and Maintenance and Operators; Lodi Police Dispatchers Association (LPDA) and Confidential Employees  
*Negotiator: Personnel Director Joanne Narloch*
- b) Personnel - discuss City Attorney recruitment
- c) Pending litigation - Schepmann v. City of Lodi SJCS Case No. 281991
- d) Pending litigation - Ramirez v. City of Lodi et al. USDC Case No. CV-S-93-1897 LKK JFM
- e) Pending litigation - Duran v. City of Lodi LMC Case No. 24387
- f) Pending litigation - Nieves v. City of Lodi SJCS Case No. 284885

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15. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

Mayor Mann reconvened the City Council meeting at approximately and disclosed the following actions:

- a) Labor Relations - United Firefighters of Lodi (UFL); San Joaquin Public Employees' Association (SJPEA) regarding General Services and Maintenance and Operators; Lodi Police Dispatchers' Association (LPDA) and Confidential Negotiator: Personnel Director Joanne Narloch

No final action was taken.

- b) Personnel - discuss City Attorney recruitment

No final action was taken.

- c) Pending litigation - Scheppmann v. City of Lodi SJCS Case No. 281991

No final action was taken.

- d) Pending litigation - Ramirez v. City of Lodi et al. USDC Case No. CV-S-93-1897 LKK JFM

No final action was taken.

- e) Pending litigation - Duran v. City of Lodi LMC Case No. 24387

No final action was taken.

- f) Pending litigation - Nieves v. City of Lodi SJCS Case No. 284885

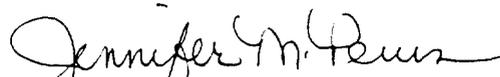
No final action was taken.

FILE NO. CC-200 (a), CC-200(b) AND CC-200(d)

16. ADJOURNMENT

There being no further business to come before the City Council, Mayor Mann adjourned the meeting at approximately 12:01 a.m., Thursday, August 17, 1995.

ATTEST:

  
 Jennifer M. Derrin  
 City Clerk