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CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 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 Flynn, Acting Assistant City Manager/Public Works Director Ronsko, City Engineer Prima, Community Development Director Schroeder, Parks and Recreation Director Williamson, City Attorney Hays and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Dick Patterson, Zion Christian Fellowship.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) David Knox, part owner of Applebee's Neighborhood Grill & Bar, presented Mayor Mann with a donation of \$5,000.00 for Lodi Parks and Recreation Department's Youth Financial Aid Program. The \$5,000 represents proceeds from drink purchases during Applebee's grand opening held on September 30, 1995. Mr. Knox noted the Lodi restaurant broke records for Applebee's Restaurant grand openings in both attendance at the VIP party, and money raised for charity.
FILE NO. CC-6 AND CC-40
- b) Economic Development Coordinator Goehring made a slide presentation showing renderings of the proposed improvements for the Downtown and Cherokee Lane Revitalization Project.
FILE NO. CC-72 AND CC-400

5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$1,689,269.51.
FILE NO. CC-21(a)
- b) The Minutes of October 18, 1995 (Regular Meeting) were approved as written.
- c) Received report of the sale of scrap metal.
FILE NO. CC-20 AND CC-47
- d) Adopted Resolution No. 95-138 rejecting all bids for construction of Henning Substation Control Panel Building.
FILE NO. CC-12(b) AND CC-300

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- e) Adopted Resolution No. 95-139 awarding the bid for one turf vehicle to H. V. Carter Company, Inc. in the amount of \$15,771.37.
FILE NO. CC-12(d) AND CC-300
- f) Adopted Resolution No. 95-140 awarding purchase of a photocopier for the Public Works Department from the low bidder, Business Office Systems, of Stockton, in the amount of \$6,856.13.
FILE NO. CC-12(d) AND CC-300
- g) Adopted Resolution No. 95-141 awarding purchase of three police patrol sedans from the State of California Office of Procurement Contract for 1996 Model CHP Class E Special Service Vehicles (this resolution authorizes the total expenditure of \$71,697.85 for three vehicles, emergency equipment, and maintenance manuals).
FILE NO. CC-12(d) AND CC-300
- h) Adopted Resolution No. 95-142 awarding the contract for Street Light Installation Project, Various Arterial and Collector Streets, to M & M Electric of Sacramento, in the amount of \$256,246.00.
FILE NO. CC-12(a), CC-90 AND CC-300
- i) Adopted Resolution No. 95-143 rejecting bid received for the sale of surplus City property at 1775 South Church Street and authorized the City Clerk to continue to advertise for bids to be opened once a month until the property sells.
FILE NO. CC-12(d) AND CC-300
- j) Accepted the improvements under "Lane Line Painting, Various City Streets, 1995" 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 Towne Ranch, Unit No. 4, Tract No. 2632, 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, "Renewal of Sidewalk Repair Program and Miscellaneous Concrete Work for 1996" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- m) Agenda item #E-13 entitled, "Rental agreement for use of 111 North Stockton Street Annex C building" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- n) Authorized the City Manager to execute a professional services agreement with Montgomery-Watson Engineers for the Water Storage Tank Design Project.
FILE NO. CC-90 AND CC-183(a)
- o) Agenda item #E-15 entitled, "Set Public Hearing for 7:00 p.m., Tuesday, November 21, 1995, to consider certifying the Final Environmental Impact Report (EIR) for the development and operation of a youth soccer tournament facility by the California Youth Soccer Association (CYSA) on property located at the City's White Slough Water Pollution Control Facility" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Pennino.)

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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Warner, Sieglock second, unanimously approved the renewal of the existing Sidewalk Repair Program and Miscellaneous Concrete Work for the 1996 calendar year to Jeff Case Construction Company of Lodi, California.
FILE NO. CC-12(a) AND CC-90
- b) The City Council, on motion of Council Member Davenport, Warner second, unanimously approved the rental agreement for use of 111 North Stockton Street Annex C building for the period of November 1, 1995 to October 31, 2000.
FILE NO. CC-40 AND CC-90
- c) The City Council, on motion of Council Member Pennino, Sieglock second, set Public Hearing for 7:00 p.m., Tuesday, November 21, 1995 to consider certifying the Final Environmental Impact Report (EIR) for the development and operation of a youth soccer tournament facility by the California Youth Soccer Association (CYSA) on property located at the City's White Slough Water Pollution Control Facility 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-6

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 Planning Commission's recommendation that the City Council adopt the 1995 Growth Management Allocations.

Hearing Opened to the Public

1. Fred Baker, 317 West Lodi Avenue, Lodi, owner of Bridgetown project, expressed support for the recommended 1995 Growth Management Allocations. Further, Mr. Baker indicated that the point system was fair; however, it should be looked into in the future;
2. Jeff Kirst, P.O. Box 1259, Woodbridge, Helmlie property echoed the statement that the point system should be addressed in the future; and
3. Charlie Oewel, Century Meadows III project, also expressed support with the staff recommendation and further agreed that the point system should be looked at in the future.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Sieglock, Pennino second, unanimously adopted the 1995 Growth Management Allocations.
FILE NO. CC-35(b)

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- 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 from Suresh Bhakta to waive fees for connection to the public sanitary sewer system at 1201 East Lockeford Street, Lodi.

Hearing Opened to the Public

1. Suresh Bhakta, 1201 East Lockeford Street, Lodi, explained that the fees were too high to pay and requested that the fees be partially waived and that he be allowed to pay on a monthly basis; and
2. Jim Verseput, 2120 West Lodi Avenue, Lodi, expressed his belief that the interest rate on a portion of the fees (which were set by two previous Reimbursement Agreements) is ridiculously high.

Public Portion of Hearing Closed

ACTION:

Council Member Davenport made a motion to waive the interest on the portion of the fees set by two previous agreements and further to direct the City Attorney to review the two agreements. The motion **died** for lack of a second.

Further, the City Council, on motion of Council Member Sieglock, Warner second, denied the appeal of Suresh Bhakta; however, authorized staff to recalculate those fees which were indexed using a flat interest rate to now use the Engineering News Record (ENR) Construction Cost Index, and further the total amount of the fee can be paid over a five-year period under the conditions listed below by the following vote:

- That the execution of the agreement will result in a lien against the property.
- That upon sale, transfer or any other conveyance of the property, all fees payable under the agreement shall become immediately due and payable.
- That the total fees (after revision of indexed fees as noted above) be paid in 60 equal monthly installments with interest from the date of recordation on the unpaid principal at the rate of 6.50 percent. The interest rate represents the projected average Local Agency Investment Fund (LAIF) rate over a five-year period.
- Each payment shall be credited first on interest then due and the remainder on principal.
- Should any monthly installment not be paid within 10 days of the due date, the payment will be considered delinquent and be subject to a late charge of 5 percent of the payment.
- Should any monthly installment not be paid within 30 days of the due date, the remaining unpaid balance shall become immediately due at the option of the City and proceedings may be initiated to collect the unpaid balance. This may result in additional collection charges.
- That, in addition to the monthly principal and interest amount, a monthly administrative service charge of \$20.00 be added to the payment to cover the City's cost of administering the agreement.
- That the agreement shall have no right of assignment.

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

Noes: Council Members - Davenport and Pennino

Absent: Council Members - None

FILE NO. CC-16, CC-44 AND CC-56

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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 Council Member Sieglock, Warner second, unanimously rejected the following claims:

1. Betty James, date of loss 7/28/95
2. William F. Hughes, date of loss 10/94
FILE NO. CC-4(c)

b) City Clerk Perrin read the following ABC Licenses:

1. Food 4 Less, 2430 West Kettleman Lane, Lodi, Off-Sale Beer and Wine, Person to Person Transfer.
FILE NO. CC-7(f)

c) The following report was presented to the City Council:

1. Planning Commission report of October 23, 1995.
FILE NO. CC-35(c)

d) The City Council, on motion of Council Member Sieglock, Warner second, unanimously made the following appointment:

Information Superhighway Task Force

Scott Dockery, King Videocable Company

FILE NO. CC-2(a)

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

Lodi Arts Commission

Cynthia Morris-Olagaray

FILE NO. CC-2(k)

9. REGULAR CALENDAR

a) Following discussion regarding the Main Street Fire Station Study, the City Council, on motion of Mayor Mann, Davenport second, unanimously voted to save the Main Street Fire Station building and to retain ownership of the building for City use to be determined in the future.

Speaking on the matter were the following persons:

1. Susanne Benbrook, 518 Plum Court, Lodi, expressed support in saving the building;
2. Robert Klinger, San Joaquin County Food Bank, 2050 Angelico Circle, Stockton, expressed support in saving the building and possible use of the building by the Food Bank, a non-profit organization, for better service to the Lodi area;

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- 3. Juan Cavasos, Latin-American Council of Christian Churches, 350 West 8th Street, Gilroy, expressed support in saving the building for use by its organization;
- 4. Lynn Benbrook, 518 Plum Court, also expressed support in saving the building.

FILE NO. CC-6, CC-14(a), CC-40 AND CC-121

10. ORDINANCES

None.

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Virginia Lahr, East Side Improvement Committee, 311 East Elm Street, Lodi, stated that she and the Committee were deeply offended by Mayor Mann's comment at the last Council meeting that the East Side Improvement Committee did not do its job on the East Lodi Avenue downzoning. Ms. Lahr reminded the Mayor that this is a *volunteer* committee and it is *not* an enforcement agency. The Committee has made many accomplishments, including, but not limited to, curfew ordinance, alley lights, mass cleanup on the east side, doubled Neighborhood Watch groups, received grant from General Mills for motion detector lights, concerts in the park, adoption of Hale Park, etc. Ms. Lahr is also upset that certain businesses can get a business license when operating illegally.

Mayor Mann apologized to Ms. Lahr and the East Side Improvement Committee. He did not mean to offend anyone and did not necessarily mean that the Committee did not do its homework. If more work had been done by whomever to reach a common, viable solution between all parties, he would have voted for the downzoning. However, based on the discussions at the meeting, downzoning East Lodi Avenue was not the solution to the problem. Mayor Mann indicated that his voting record demonstrates his support of and respect for the East Side Improvement Committee

FILE NO. CC-16

12. 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 matter: 1) Reminded everyone to be ever mindful of gangs; 2) Suggested that more Police patrol or a Parks Ranger be stationed at Hale Park, especially during the summertime, to supervise the area better and take care of the gang and drug activities and the noise; 3) Received a letter complaining that a citizen's constitutional rights were violated during a recent Police Department sweep. Mr. Davenport suggested the creation of a citizen committee to review Police Department complaints, which would build rapport between the public and the Police Department; 4) Recently attended the League of California (LCC) Annual Conference in San Francisco. The sessions were very informative and had some good ideas; although, he does not agree with everything the League does; and 5) Encouraged landowners to clean up their properties and get rid of blight and crime.
- FILE NO. CC-7(i), CC-16, CC-27(c) AND CC-152
- b) City Manager Flynn thanked those who participated in Red Ribbon Week and urged more participation next year. Updated the City Council on the Shirtsleeve Session schedule. The November 7, 1995 meeting will be performance reviews of the City Clerk, City Attorney and

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the City Manager, and the November 14, 1995 topics will be on art in public places and the fountain at City Hall. Mr. Flynn congratulated the Community Center on a letter it received regarding the wonderful job it did in sponsoring a conference at its facility. Mr. Flynn reminded the public that the band review, entitled "Grape Bowl Classic", will be held on Saturday, November 4th. Beginning at 9:00 a.m. the bands will march from Pacific Avenue to Elm Street to Lower Sacramento Road and end up at Reese School. Mr. Flynn congratulated the Lodi Police Department on receiving \$9,900 in grants and property donation. Further, Mr. Flynn reminded the public to recognize Veterans Day on November 11, 1995. Mr. Flynn then, jokingly, announced that the reorganization of the Lodi City Council will be done in early February and not in December. Mayor Mann, in the spirit of the fun, disagreed.

- c) Council Member Warner provided an update regarding the LCC Conference and announced that the Lodi Police Partners Program received recognition and had a wonderful display at the League for all of the cities in the State to view. Further, the City of Lodi sponsored an Environmental Protection Agency (EPA) resolution at the League which was rejected for further study by the Environmental Committee. There was some dissatisfaction with the construction of the Environmental Committee, which may have been worked out with the passage of a rule regarding the make-up of the committee.
FILE NO. CC-7(i) and CC-110
- d) Council Member Sieglock also commented on the LCC Conference in San Francisco. Mr. Sieglock passed information on to the City Manager for review and consideration regarding: 1) a company who will do a free audit of an agency's telephone bills to ensure proper billing; 2) a company who will audit an agency's auto repair facility to determine if it is being run efficiently as is or if it would be more beneficial to privatize the system; 3) the State will conduct a free energy audit of the cities' buildings; and 4) pursue performance audit of the City over a five-year period to be run Department-by-Department. Mr. Sieglock also requested Council concurrence to invite Dottie Williams from San Luis Obispo to come to Lodi to meet with the Lodi downtown businesses regarding the Downtown Revitalization Project. The City Council concurred with looking into all of the matters mentioned above. Further, Mr. Sieglock indicated he liked the overall tone of the LCC Conference this year—it was more conservative and the message was stronger regarding downsizing the Federal Government.
FILE NO. CC-7(i)
- e) Council Member Pennino agreed that the performance audit is a good idea and should be looked into. The EPA has indicated it would like to conduct a meeting somewhere in the Central Valley to discuss issues of concern. Mr. Pennino requested that an invitation be extended to EPA that the meeting be hosted in Lodi. Further, a workshop is being put together regarding rail issues which will be held in Lodi. Mr. Pennino urged Council participation. Council Member Pennino would also like staff to look into making vehicle maintenance an enterprise fund.
FILE NO. CC-7(h), CC-7(i) AND CC-110
- f) Mayor Mann submitted to the City Council an article from *Western Cities* magazine regarding the City of Redding's Neighborhood Pride and Awards Program. Prizes are donated to the city and then given as an award to property owners who fix up their properties. Mayor Mann would like to embark on such a program. The East Side Improvement Committee has indicated it could help administer the program, and already one person has indicated he would make a donation to such a program.
FILE NO. CC-6

13. CLOSED SESSION

Mayor Mann adjourned the City Council 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 & Operators; Lodi Police Dispatchers Association (LPDA) and Confidential Employees
Negotiator: Personnel Director Joanne Narloch
- b) Actual Litigation: Government Code §54956.9(a). One Case. Ramirez et al. v. City of Lodi et al. United States District Court Eastern District of California. Court No. CV-S-93-1897-LKK-JFM

14. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

Mayor Mann reconvened the City Council meeting at approximately 10:47 p.m. and disclosed the following actions:

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

No need for discussion on this item.

Actual Litigation: Government Code §54956.9(a). One Case. Ramirez et al. v. City of Lodi et al. United States District Court Eastern District of California. Court No. CV-S-93-1897-LKK-JFM

No final action.

FILE NO. CC-200(d)

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Mann adjourned the meeting at approximately 10:48 p.m..

ATTEST:


Jennifer M. Perrin
City Clerk