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CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, DECEMBER 20, 1995
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, Acting Assistant City Manager/Public Works Director Ronsko, City Attorney Hays and Deputy City Clerk Taylor

2. INVOCATION

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

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Warner.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

a) Mayor Warner presented Electric Utility Director Vallow with a resolution of appreciation thanking his staff for the outstanding job it did in maintaining the City's electrical service and its assistance to PG&E customers in Lodi and the surrounding area. PG&E Community Manager Marciel Fernandez reported on the major outages experienced in the area, and thanked customers for their patience and understanding. Mr. Fernandez further extended his thanks to the City Council and commended the Electric Utility Department for their assistance to PG&E during this crisis, stating PG&E would welcome an opportunity to reciprocate should the need arise.

FILE NO. CC-37

b) Mayor Warner and Police Chief Larry Hansen presented Officer Dennis Lewis with a resolution of appreciation thanking him, as well as the Police Officers Association of Lodi, for their hard work and generosity in providing food and gifts to approximately 1,000 children at the annual Adopt-A-Child Program. Officer Lewis thanked the volunteers for their efforts and contributions, and introduced his co-chairs, Linda Moore and Chris Lewis.

FILE NO. CC-37

c) Council Member Pennino introduced Amy Augustine, Project Coordinator, who presented the City Council with an update regarding the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

FILE NO. CC-7(n)

d) Jim Schweickardt, President of the Lodi District Chamber of Commerce, presented the City Council with a report on the Chamber's recent activities and accomplishments, to include development of the Lodi Conference and Visitors Bureau, two successful street faires, Leadership Lodi class six graduation, and spearheading an effort to stop the Fish & Wildlife's recommendation to close Woodbridge Dam.

Mr. Schweickardt invited Council to an Open House on January 12, 1996 at the Chamber's new location, 35 South School Street, and noted the Chamber has a new president, Mr. Tony Rocco. Mr. Schweickardt thanked Council for their support toward the business community and wished them many blessings during the holiday season and success through the new year.

FILE NO. CC-7(k)

- e) Mr. Schweickardt provided Council with a report on the Lodi District Chamber of Commerce/City of Lodi Economic Development Committee, specifically its recent activities and accomplishments. The committee, which meets with local businesses and potential new businesses, has developed a map of available business sites and encouraged dialogue with the fire marshall regarding the new fire code and its impact on new and remodeled businesses. Further, the committee monitors and supports progress of the CYSA and the Downtown/Cherokee Lane Revitalization.
FILE NO. CC-7(k)
- f) Richard Jones of the Lodi Boys and Girls Club made a brief presentation on the progress of the Boys and Girls Club, stating that Phase II, the multi-purpose room/gymnasium and kitchen, should be completed in late January. Mr. Jones reported the afternoon day care and Sunrise Program average more than 150 children each day, and the "Food for Thought" program provides a quiet atmosphere for children to read, do homework, and received tutorial assistance from staff. Mr. Jones thanked the Council for their continued support in making this most important project a reality.
FILE NO. CC-7(g)

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:**

- a) Claims were approved in the amount of 3,704.101.61.
FILE NO. CC-21(a)
- b) The Minutes of December 6, 1995 (Regular Meeting) and December 12, 1995 (Special Meeting) were approved as written.
- c) Received report regarding sale of surplus property.
FILE NO. CC-20 AND CC-47
- d) Agenda item #E-4 entitled, "Plans and specifications and advertisement for bids for Peterson Park/basin sprinklers and turfing" was pulled from the agenda pursuant to staff's request.
- e) Agenda item #E-5 entitled, "Specifications for bids for heavy-duty lift truck (forklift) for the Equipment Maintenance Division" was pulled from the agenda pursuant to staff's request.
- f) Adopted Resolution No. 95-152 awarding the bid for the purchase of one photocopier to the bidder whose proposal complied with the bid specifications and whose equipment yielded the lowest five-year cost of ownership, Pitney Bowes Copier Systems of Sacramento, in the amount of \$7,178.31 to be purchased from Department budget and not with Contingency Funds.
FILE NO. CC-12(d) AND CC-300
- g) Agenda Item #E-7 entitled, "Contract award and rejection of non-responsive bids for Lodi Lake Park Office Project" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport)
- h) Accepted improvements under "Water Well No. 1 Abandonment, 230-1/2 East Lodi Avenue" contract, and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
FILE NO. CC-90

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Continued December 20, 1995

- i) Agenda item #E-9 entitled, "Wastewater Pipe Improvements, Alley South of Locust Street, Washington Street to Cherokee Lane contract" was pulled from the agenda pursuant to staff's request.
- j) Accepted improvements under "Thurman Street Improvements, Beckman Road to 1,800 Feet East of Beckman Road" 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. 95-154 accepting the development improvements for Century Ranch, Tract No. 2695.
FILE NO. CC-46 AND CC-300
- l) Approved the terms of an addendum to the Improvement Deferral Agreement recorded in the San Joaquin County Recorder's office on September 10, 1986 as Instrument No. 86074204, and authorized the City Manager to sign the addendum containing the authorized conditions without further Council action.
FILE NO. CC-90
- m) Adopted Resolution No. 95-155 authorizing the City Manager to execute the deed and Hold Harmless Agreement for the sale of surplus City property located at 230-1/2 East Lodi Avenue (old Well No. 1).
FILE NO. CC-161, CC-183(a) AND CC-300
- n) Approved the proposal and estimated funding for consultant services to prepare a risk management prevention program for the White Slough Water Pollution Control Facility.
FILE NO. CC-90
- o) Approved assignment of Multimodal Station Project Management Activities from San Joaquin County to San Joaquin Regional Rail Commission and authorized the City Manager to execute the assignment.
FILE NO. CC-6 AND CC-7(b)
- p) Agenda Item #E-16 entitled, "Approval of Information Superhighway Task Force recommendations" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Sieglöck)
- q) Adopted Resolution No. 95-157 approving the new position of and job specification for Deputy City Manager with a salary range of \$65,128 - \$71,641 annually.
FILE NO. CC-34 AND CC-300
- r) Rescinded the authorization to increase the salary of the City Manager and City Attorney effective the first pay period of January 1996.
FILE NO. CC-34
- s) Agenda Item #E-19 entitled, "Maintenance of Effort - Library services" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Sieglöck)
- t) Set Public Hearing for January 17, 1996 to consider the application received from Kenneth J. Kallman, 2248 Newbury Circle, Lodi, to operate a vehicle for hire within the City of Lodi.
FILE NO. CC-6

6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Council, on motion of Council Member Pennino, Sieglock second, adopted Resolution No. 95-153 rejecting the non-responsive bids and awarding the contract for Lodi Lake Park Office Project to Cypress Modular, Inc. of Walnut Creek in the amount of \$77,697 and appropriating the necessary funds, by the following vote:

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

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

- b) Council, on motion of Council Member Sieglock, Mann second, unanimously adopted Resolution No. 95-156 (1) approving the recommendations made by the Information Superhighway Task Force at the December 5, 1995 Shirtsleeve Session; (2) authorizing the expenditure of \$10,000 to implement Phase 1; (3) authorizing the City of Lodi to enter into a month-to-month contract with InReach Internet Communications to initially publish and assist in the development of the City of Lodi's World Wide Web Home Page; and (4) authorizing an additional \$1,125 to compensate InReach for programming an initial Home Page.

FILE NO. CC-6 AND CC-300

- c) Council Member Sieglock made a motion to oppose adoption of Resolution No. 95-158 regarding the Maintenance of Effort (MOE) for Library funding. The motion **died** for lack of a second.

Further, the City Council, on motion of Council Member Warner, Davenport second, adopted Resolution No. 95-158 regarding the Maintenance of Effort (MOE) for Library funding if a 1/8 cent sales tax ballot measure passes, by the following vote:

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

FILE NO. CC-29 AND CC-300

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 Warner called for the Public Hearing to consider unmet transit needs within the City of Lodi.

The minutes from the Public Hearing conducted this date at 10:00 a.m. is hereby made a part of the official records and is attached to the minutes as Exhibit A. Transit Coordinator Evans gave a brief report of the findings from the 10:00 a.m. public hearing, and requested Council open this hearing to the public for further discussion.

Hearing Opened to the Public

- 1. Bob Slausen, 416 Palm Avenue, Lodi, commended the transit services currently available in Lodi for generally excellent service. Mr. Slausen expressed his desire for the following improvements: addition of weekend service to the Lodi area, instruction to bus drivers to call out bus stop locations at each stop, and provide bus schedules by diskette or Braille for sight impaired individuals. Mr. Slausen informed Council of his concern over the recent robbery of TDA funds by state legislators in order to help Orange County out of its financial dilemma.

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Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Pennino, Davenport second, accepted the information provided and closed the public hearing.

FILE NO. CC-50(b)

- 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 amendment to Lodi Municipal Code Chapter 5.12 regarding cardrooms.

Hearing Opened to the Public

1. Joe Melech, 132 Alder Court, Tracy, spoke in support of the matter.

Public Portion of Hearing Closed

ACTION:

Council, on motion of Council Member Sieglock, Pennino second, voted to reject introduction of the ordinance, and further directed staff to conduct more comprehensive research and return to Council at a January shirtsleeve session for further discussion, by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-6

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, rejected the following claims:

1. Pacific Gas & Electric Company, date of loss 7/17/95
2. Craig A. Romanofsky, date of loss 7/18/95
3. Margaret Williams, date of loss 9/2/95
4. Tim Weertman, date of loss 11/18/95
5. Betty Eachus, date of loss 7/17/95

FILE NO. CC-4(c)

9. RECESS

Mayor Warner declared a ten minute recess and the City Council meeting reconvened at approximately 8:57 p.m.

10. REGULAR CALENDAR

- a) Council Member Sieglock made a motion that the City of Lodi research a better price for insurance, solicit businesses to help incur insurance costs, and take the necessary steps to ensure the indoor skate facility will not place a hardship on the current Cal Skate roller rink facility. Motion **died** for lack of a second.

Further, the City Council, on motion of Council Member Davenport, Pennino second, unanimously approved the indoor skate facility program, with the liability risk insurance costs to be incurred through a split charge of fees between the Youth Commission (10%), Parks and Recreation Department (50%) and the Contingency Fund (40%). The donations from private sources will be repaid in the following order: Youth Commission, Contingency Fund, Parks and Recreation Department (Skate Program). Further, the City of Lodi, at the next meeting of the Joint Powers Authority (JPA), will request that the JPA approve coverage of the indoor skate facility under the City of Lodi's current policy umbrella.

Speaking in support of this item were the following:

- 1) Mike McIntyre, 615 West Locust, Lodi
- 2) Brannon Dias, 927 West Turner Road, Lodi
- 3) Rod Quinones, 612 Tamarack Lane
- 4) Police Chief Larry Hansen, 230 West Elm Street, Lodi

FILE NO. CC-6 AND CC-40

- b) The City Council, on motion of Council Member Sieglock, Warner second, approved the principles of negotiation for the Conjunctive Use Project by Eastern San Joaquin Parties and the East Bay Municipal Utility District, by the following vote:

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

Mr. John Pulver, San Joaquin County Water Resources Coordinator, made a short presentation to Council Members and answered their questions regarding the matter.
 FILE NO. CC-6

- c) Council, on motion of Council Member Pennino, Sieglock second, adopted Resolution No. 95-159 awarding the bid for Hutchins Street striping and bike lanes, Kettleman Lane to Lodi Avenue, to the low bidder, Traffic Limited of Lodi, directing the Public Works Director to delete the paving and marker removal items to reduce the contract amount to \$32,344.76 and perform the deleted work with City forces, and appropriating \$34,000 for the project, by the following vote:

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

FILE NO. CC-12(a), CC-90 and CC-300

- d) The City Council, on motion of Sieglock, Pennino second, unanimously accepted the improvements under the "Refinish and Reline Two Portable Basketball Floors" contract, and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
 FILE NO. CC-90

11. ORDINANCES

- a) Ordinance No. 1621-A entitled, "An Ordinance Adopting the 'Uniform Building Code', Volumes 1, 2 and 3, 1994 Edition, Which Codes Regulate the Design, Construction, Quality of Materials, Use and Occupancy, Location and Maintenance of Buildings or Structures in the City of Lodi, Providing for the Issuance of Permits and Collection of Fees Therefore, Providing Penalties for the Violations Thereof. Repealing Sections 15.04.010, 15.04.020, 15.04.030, 15.04.040, 15.04.050, 15.04.060, 15.04.070, 15.04.080 and 15.04.090 Inclusive of the Code of the City of Lodi, and All Other Ordinances and Parts of Ordinances in Conflict Therewith" having been introduced at a regular meeting of the Lodi City Council held December 6, 1995 was brought up for passage on motion of Council Member Warner, 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 - Mann, Pennino, Sieglock and Warner (Mayor)
 Noes: Council Members - Davenport
 Absent: Council Members - None

FILE NO. CC-6 AND CC-149

- b) Ordinance No. 1621-B entitled, "An Ordinance Adopting the 'Uniform Plumbing Code', 1994 Edition, Providing for the Establishing of Minimum Regulations for the Installation, Alteration or Repair of Plumbing and Drainage Systems and the Inspection Thereof, Providing Penalties for the Violations Thereof; and Repealing Sections 15.12.010 Through 15.12.200 Inclusive of the Code of the City of Lodi, and All Other Ordinances and Parts of Ordinances in Conflict Therewith" having been introduced at a regular meeting of the Lodi City Council held December 6, 1995 was brought up for passage on motion of Council Member Warner, 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 - Mann, Pennino, Sieglock and Warner (Mayor)
 Noes: Council Members - Davenport
 Absent: Council Members - None

FILE NO. CC-6 AND CC-149

- c) Ordinance No. 1621-C entitled, "An Ordinance Adopting the 'Uniform Mechanical Code', 1994 Edition, Which Code Provides Regulations Controlling the Design, Materials, Location, Operation and Maintenance of Heating, Ventilating, Comfort Cooling, Refrigeration Systems, Incinerators and Other Heat Producing Appliances in the City of Lodi, Providing for the Issuance of Permits and Collection of Fees Therefore; Providing Penalties for the Violations Thereof; and Repealing Sections 15.08.010, 15.08.020, 15.08.030, 15.08.040 and 15.08.050 Inclusive of the Code of the City of Lodi, and All Other Ordinances and Parts of Ordinances in Conflict Therewith" having been introduced at a regular meeting of the Lodi City Council held December 6, 1995 was brought up for passage on motion of Council Member Warner, 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 - Mann, Pennino, Sieglock and Warner (Mayor)
 Noes: Council Members - Davenport
 Absent: Council Members - None

FILE NO. CC-6 AND CC-149

- d) Ordinance No. 1621-D entitled, "An Ordinance Adopting the 'Uniform Housing Code', 1994 Edition, Which Code Provides for the Minimum Requirements for the Protection of Life, Limb, Health, Property, Safety and Welfare of the General Public and the Owners and Occupants of Residential Buildings; Providing Penalties for Violation Thereof; Repealing Sections 15.24.010 Through 15.24.130 Inclusive of the Code of the City of Lodi, and All Other Ordinances and Parts of Ordinances in Conflict Therewith" having been introduced at a regular meeting of the Lodi City Council held December 6, 1995 was brought up for passage on motion of Council Member Warner, 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 - Mann, Pennino, Sieglock and Warner (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

FILE NO. CC-6 AND CC-149

- e) Ordinance No. 1621-E entitled, "An Ordinance Adopting the 'Uniform Code for the Abatement of Dangerous Buildings', 1994 Edition, Which Code Provides Regulations for the Repair, Vacation and Demolition of Buildings or Structures Endangering the Life, Limb, Health, Property, Safety and Welfare of the General Public and Their Occupants; Providing Procedures and Penalties for Violation Thereof; Repealing Sections 15.28.010 Through 15.28.170 Inclusive of the Code of the City of Lodi, and All Other Ordinances and Parts of Ordinances in Conflict Therewith" having been introduced at a regular meeting of the Lodi City Council held December 6, 1995 was brought up for passage on motion of Council Member Warner, 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 - Mann, Pennino, Sieglock and Warner (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

FILE NO. CC-6 AND CC-149

- f) Ordinance No. 1621-F entitled, "An Ordinance Adopting the 'National Electrical Code', 1993 Edition, Which Code Regulates the Installation, Alteration, or Addition of Electrical Wiring, Devices, Appliances, or Equipment in the City of Lodi; and Repealing Sections 15.16.010 Through 15.16.190 of the Codes of the City of Lodi, and All Other Ordinances and Parts of Ordinances in Conflict Therewith" having been introduced at a regular meeting of the Lodi City Council held December 6, 1995 was brought up for passage on motion of Council Member Warner, 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 - Mann, Pennino, Sieglock and Warner (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

FILE NO. CC-6 AND CC-149

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12. MEETING OF THE LODI INDUSTRIAL DEVELOPMENT AUTHORITY

Mayor Warner adjourned the Lodi City Council meeting to a meeting of the Lodi Industrial Development Authority. Chairperson Mann called the meeting to order and Deputy City Clerk Taylor recorded roll. The Authority, on motion of Authorizing Member Pennino, Warner second, adopted Resolution No. IDA-13 electing new officers as follows:

Chairperson	David P. Warner
Vice Chairperson	Phillip A. Pennino
Secretary	Jennifer M. Perrin
Treasurer	Vicky McAthie

FILE NO. CC-60

13. RECONVENE CITY COUNCIL MEETING

Mayor Warner reconvened the City Council meeting.

14. MEETING OF THE LODI PUBLIC IMPROVEMENT CORPORATION

Mayor Warner adjourned the Lodi City Council meeting to a meeting of the Lodi Public Improvement Corporation. President Mann called the meeting to order and Deputy City Clerk Taylor recorded roll. The Board of Directors, on motion of Director Sieglock, Warner second, adopted Resolution No. 95-3 electing new officers as follows:

President	David P. Warner
Vice President	Phillip A. Pennino
Secretary	Jennifer M. Perrin
Treasurer	Vicky McAthie

FILE NO. CC-190

15. RECONVENE CITY COUNCIL MEETING

Mayor Warner reconvened the City Council meeting.

16. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

17. 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) reminded everyone to be ever mindful of the gangs; 2) received a letter from General Mills supporting the Boys and Girls Club; 3) received a letter regarding concerns in portions of the Habitat Plan; 4) received a letter of support regarding the youth gathering at the old Richmaid facility; 5) received a letter from a boyscout opposing the skating park; 6) received a letter of support regarding Mr. Fuller's application for appointment to the San Joaquin County Mosquito Abatement District; and 7) received a letter from a construction company praising a public works employee. Further, Mr. Davenport noted that the Electric Utility Department made a good presentation to Council

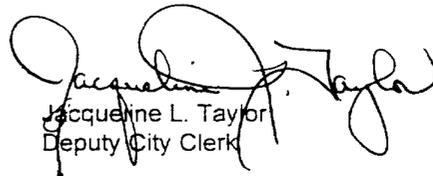
at a recent shirtsleeve session regarding their 5 year planning review, noting changes on the horizon, and encouraging citizens to be aware of these activities. Mr. Davenport wished all citizens of Lodi a Merry Christmas, Happy New Year, and Joyous Season.

- b) Council Member Sieglock wished everyone a Merry Christmas, Happy New Year, and urged everyone to drive safely and take advantage of the Dial-a-Ride service.
- c) Council Member Pennino noted three members of the Electric Utility Department were in the audience, and thanked these individuals very much on behalf of PG&E and the Council, for their hard work and team effort. Mr. Pennino further stated he rode on Santa's Fire Truck Tuesday night, and that his participation in that event makes his Christmas, every year! Mr. Pennino wished everyone a Merry Christmas.
- d) Council Member Warner thanked the Lodi Bowlers Association for their efforts in collecting hundreds of new toys for distribution through the Lodi Service Center, and extended his thanks to all other groups like the Police Officers Association of Lodi who participate in such worthwhile efforts. Mr. Warner extended his thanks to the Electric Department crews who went to Stockton to assist PG&E, reminded everyone that this is what the season is all about, and wished everyone Happy Holidays.
- e) City Manager Flynn reported recently attending an open house at the Animal Shelter, and suggested anyone interested in a pet for Christmas should check there first. He also noted applications for business, cat and dog licenses have been distributed and questions regarding licenses should be routed to the Finance Department. Further, Mr. Flynn echoed Mr. Warner's comments regarding the Electric Utility Department's support provided to PG&E, and recognized two of the department's employees and EUD Director Vallow in the audience. Mr. Flynn wished everyone a Merry Christmas and Happy New Year, and urged people to drive safely and use Dial-a-Ride during the holiday season.
- f) Electric Utility Director Vallow introduced Barry Fisher and Gale Rees, two crew supervisors who initiated EUD's contact with PG&E to offer assistance during last week's storm and various power outages.

18. ADJOURNMENT

There being no further business to come before the City Council, Mayor Warner adjourned the meeting at approximately 10:57 p.m.

ATTEST:


Jacqueline L. Taylor
Deputy City Clerk