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CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JANUARY 19, 1994
7:00 P.M.

1. ROLL CALL

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

Absent: Council Members - None

Also Present: City Manager Peterson, Parks and Recreation Director Williamson, Public Works Director Ronsko, City Attorney McNatt and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Vernon Janzen, Vinewood Community Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Sieglock presented a proclamation proclaiming Saturday, February 5, 1994 as "American Red Cross CPR Saturday". Mr. Larry Cox of the American Red Cross San Joaquin Valley Chapter was present to accept the proclamation. Mr. Cox encouraged Lodi citizens to make any kind of donation(s) to the Red Cross for the earthquake victims of Southern California by contacting the Red Cross Headquarters located in Stockton at 747 North Pershing Avenue, 466-6971.
FILE NO. CC-37
- b) Mr. Bruce Logue of the Kiwanis Club of Greater Lodi presented a check in the amount of \$1,500 to Mayor Sieglock for payment towards the Lodi Lake park equipment, located on the north side of the park, and additionally thanked the City for use of the Lake for its annual Fourth of July pancake breakfast which generates funds that they put back into the community.
FILE NO. CC-27(c)

5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$2,931,108.97.
FILE NO. CC-21(a)
- b) The Minutes of January 5, 1994 (Regular Meeting) were approved as written.

- c) Received a report regarding White Slough Water Pollution Control Facility cost savings (report on file in the City Clerk's office).
FILE NO. CC-6, CC-21(b) AND CC-51(f)
- d) Authorized the sale of scrap wire and metal at periodic intervals during the calendar year 1994.
FILE NO. CC-20 AND CC-47
- e) Agenda item #E-5 entitled, "Plans and specifications and advertisement for bids for White Slough Water Pollution Control Facility Irrigation System Expansion Pipeline Project" was removed from the Consent Calendar and discussed and acted upon following the adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- f) Agenda item #E-6 entitled, "Plans and specifications and advertisement for bids for standby generators for water well and storm drain pumping stations for sites 1R, 7, 9, 11 and 16" was removed from the Consent Calendar and discussed and acted upon following the adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- g) Agenda item #E-7 entitled, "Contract Award for 1994 Sidewalk Repair Program and Miscellaneous Concrete Work" was removed from the Consent Calendar and discussed and acted upon following the adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- h) Adopted Resolution No. 94-08 awarding the bid for the purchase of 12,000 feet of #1/0 600-volt underground triplex, and 10,000 feet of 350Kcmil 600-volt underground triplex, to the low bidder, Cablec Utility Cable Co., Garden Grove, California in the amount of \$24,476.49.
FILE NO. 12(a), CC-47 AND CC-300
- i) Adopted Resolution No. 94-09 awarding the bid for the purchase of 192 watthour meters to the low bidder, Ace Supply Company of Emeryville, California in the amount of \$5,602.31. Council Member Pennino requested that the staff look into the possibility of using time of use meters for residential customers.
CC-12 (d), CC-47 AND CC-300
- j) Agenda item #E-10 entitled, "White Slough Water Pollution Control Facility lease with San Joaquin County Mosquito and Vector Control District" was removed from the Consent Calendar and discussed and acted upon following the adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- k) Agenda item #E-11 entitled, "Improvement Deferral Agreement, 360 East Lodi Avenue" was removed from the Consent Calendar and discussed and acted upon following the adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- l) Agenda item #E-12 entitled, "Consultant Agreement and Measure K Cooperative Agreement Bicycle Transportation Master Plan" was removed from the Consent Calendar and discussed and acted upon following the adoption of the Consent Calendar. (Removed by Council Member Davenport.)

6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Davenport, Snider second, unanimously approved the plans and specifications for bids for White Slough Water Pollution Control Facility Irrigation System Expansion Pipeline Project and authorized advertising for bids. FILE NO. CC-12.1(c) AND CC-51(f)

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- b) The City Council, on motion of Council Member Mann, Sieglock second, approved the plans and specifications for bids for standby generators for water well and storm drain pumping stations for sites 1R, 7, 9, 11 and 16 by the following vote:

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

FILE NO. CC-12.1(b)
- c) The City Council, on motion of Council Member Davenport, Pennino second, unanimously adopted Resolution No. 94-07 awarding the contract for 1994 Sidewalk Repair Program and Miscellaneous Concrete Work to Popuch Concrete in the amount of \$41,210.00.
FILE NO. CC-12(a) AND CC-300
- d) The City Council, on motion of Council Member Pennino, Sieglock second, unanimously approved a long-term (20 year) lease agreement between the City of Lodi and the San Joaquin County Mosquito and Vector Control District (SJCMVCD) and directed the City Manager and the City Clerk to execute the lease on behalf of the City.
FILE NO. CC-51(f), CC-90 AND CC-127
- e) The City Council, on motion of Council Member Davenport, Sieglock second, unanimously approved the Improvement Deferral Agreement for 360 East Lodi Avenue, and directed the City Manager and City Clerk to execute the Agreement on behalf of the City. Further, Mr. Davenport requested that all of the signatures of the Agreement be on one page.
FILE NO. CC-90
- f) The City Council, on motion of Council Member Pennino, Sieglock second, unanimously authorized the City Manager to execute a consultant agreement and the standard Measure K Cooperative Agreement for preparation of the Bicycle Transportation Master Plan.
FILE NO. CC-66 AND CC-90

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

- a) Council Member Davenport thanked everyone for attending the Council meeting and commented on the following matters: (1) Stated that \$3 million of taxpayers money was spent in the budget; (2) Informed the public that the City Council recently adopted a new Travel and Expense Policy and encouraged the public to view the document; (3) Informed the public that the Youth Commission will be conducting a regular meeting on Thursday, January 20, 1994 at 7:15 a.m. at the Senior Center at Hutchins Street Square; (4) Questioned whether anything was going to be done with the letter that was received from a citizen who is offering a free solar heating system to various agencies; (5) Informed the public that the Efficiency Committee is now starting to meet and will have its first meeting on Thursday, January 20, 1994 at 4:00 p.m. at the Carnegie Forum, Conference Room; (6) Requested that the calendars that are prepared for the City Council Members include the meeting dates and times of the various boards and commissions and any meetings of the management in Administration and the Department Heads so that he may keep abreast of what the City leaders are doing; (7) Commented on the recent Shirtsleeve Session where the City Council talked about ideas for the budget preparation and thanked the City Manager for having the Finance Director make this report. Mr. Davenport further commented on deficit spending and the City "dipping into reserves"; and (8) Informed the public about the Shirtsleeve Session of January 18, 1994 whereby the City Council discussed in Closed Session the grievance

and arbitration hearing of the United Firefighters of Lodi (UFL) and the performance evaluations of the City Manager, City Attorney and the City Clerk.
FILE NO. CC-2(t), CC-2(u), CC-6, CC-21(a), CC-21(b) AND CC-34

- b) Mayor Sieglock commented that there will be further discussions regarding the budget later in the meeting.
FILE NO. CC-21(b)

8. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Frank Alegre, 2000 Edgewood Drive, Lodi, again requested that an overview of Shirtsleeve Sessions be included on the City Council agendas to inform the public of what transpired at the early morning meetings. Mr. Alegre said that he was in favor of cutting the budget, starting with excess benefits (holiday leave, sick leave, overtime carryovers, etc.) which could save the City approximately \$900,000. Mr. Alegre informed the public that the City, at the Shirtsleeve Session of January 11, 1994, talked about the budget and about raising taxes in the form of a utility tax (tax on gas, electric utilities, cable and telephone). Mayor Sieglock and City Attorney McNatt discussed reasons why benefits cannot arbitrarily be cut since they are negotiated items with employee units.
FILE NO. CC-21(b) AND CC-34
- b) Stan Mall, President of the United Firefighters of Lodi (UFL), responded briefly about the negotiated benefits that certain units receive. Further, Mr. Mall thanked Council Member Davenport for attending the UFL's grievance hearing on January 11, 1994 and invited the public to attend as well to "see how the firefighters are being treated". Mr. Mall also suggested ways for the City Council to educate the citizens on where its monies are being spent, what City funding is available, and where the City is financially.
FILE NO. CC-21(b) AND CC-34
- c) Mr. Pennino informed the public of two upcoming workshops that the City Council will be conducting: (1) January 26, 1993 will be a workshop regarding the business license fee proposal; and (2) January 31, 1994 will be a workshop regarding Cherokee Lane/Downtown Revitalization.
FILE NO. CC-6
- d) Cy Young, 700 North Church Street, Lodi, commented on the anti-ugly ordinance and expressed his opinion that he felt the ordinance was not being enforced. There is a problem with messes in the area of Church Street and Lockeford Street that he has asked to be looked into several times, and it still has not been taken care of.

City Manager Peterson informed Mr. Young that a part-time Community Improvement Officer has been hired and began work on the first of January. He will devote his time to these types of complaints. Mr. Peterson introduced Leland Schmeidt, the newly-appointed Community Improvement Officer. Mayor Sieglock asked the City Clerk to forward Mr. Young's complaint, name and address to Mr. Schmeidt so that the problem area may be addressed.
FILE NO. CC-6, CC-16 AND CC-146

9. 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 Sieglock called for the continued Public Hearing to consider appeal from Steven J. Cottrell, Attorney, on behalf of Maurice O. Ray regarding Notice of Public Nuisance and Order to Abate issued by Chief Building Inspector regarding property located at 1201 North Edgewood Drive, Lodi.

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ACTION:

Pursuant to the appellant's request, the City Council, on motion of Council Member Davenport, Sieglock second, unanimously continued the public hearing to the regular City Council meeting of February 16, 1994.
FILE NO. CC-53(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 Sieglock called for the Public Hearing to consider appeal received from Kenneth Choo appealing the Park and Recreation Commission's recommendation to not permit the relocation of the golf driving range to the DeBenedetti Park as requested.

Hearing Opened to the Public

1. Bob Mertz, Attorney, on behalf of Kenneth Choo, 111 West Pine Street, Lodi, presented Mr. Choo's case and reasons for the selection of the DeBenedetti Park location;
2. James H. Jones, 48 North Allen Drive, Lodi (not in support of the golf driving range being located at DeBenedetti Park; however, would tolerate it if it were temporary);
3. Dave Akin, 2350 Rockingham Circle, Lodi, speaking on behalf of the BOBS organization (not in favor of the DeBenedetti Park location);
4. Robert Medeiros, 1427 Reiman Street, Lodi (in support of the golf driving range and the location);
5. Barney Filbin, 2396 Central Park Drive, Lodi (in support of the golf driving range and the location);
6. Elvera Melby, 8 North Sunset Drive, Lodi (in support of the golf driving range and the location);
7. Frank Alegre, 2000 Edgewood Drive, Lodi (in support of the golf driving range, but not at that location; also supports competitive bidding process);
8. Doug Hintz, 18632 Ironstone, Woodbridge (supports the golf driving range; however, not at the DeBenedetti Park location if it means removing oak trees only for a temporary facility);
9. Max Steinheimer, 1410 Mettler Road, Lodi (supports the golf driving range; however, not at the DeBenedetti location);
10. Darrell Jack, 531 Charleston Way, Lodi (supports the golf driving range);
11. Gary Lund, P.O. Box 22, Lodi (supports the golf driving range and a 9-hole golf course at the DeBenedetti Park location);
12. Tom Hoese, Channel Investments, West Sacramento (interested in submitting a proposal for a golf driving range at the Pixley Park location, and/or being given the opportunity to bid against Mr. Choo's proposal); and
13. Ken Choo, 531 East Lockeford Street, Lodi (spoke in support of his golf driving range operation and his request to relocate at the DeBenedetti Park location).

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Public Portion of Hearing Closed

ACTION:

A motion was made by Council Member Pennino and seconded by Council Member Snider to look at having a permanent golf driving range at the Pixley Park location, giving Mr. Choo first opportunity, and if he is not interested, go out for Request For Proposals (RFPs); however, the **motion was withdrawn.**

Therefore, the City Council, on motion of Council Member Davenport, Mann second, remanded the matter back to the Parks and Recreation Commission to discuss (1) does the City of Lodi want or need a permanent golf driving range, if so; (2) where; (3) who and how will the project be developed; and (4) what will the bid process be. Further, in the interim, the appeal was granted on a five-year temporary basis, and staff will work with Mr. Choo to come up with a mutually agreed-upon lease including language that any possible litigation will be defended by Mr. Choo, all by the following vote:

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

FILE NO. CC-2(h), CC-6 AND CC-40

10 RECESS

Mayor Sieglock declared a ten-minute recess and the City Council meeting reconvened at approximately 10:45 p.m.

11. COMMUNICATIONS (CITY CLERK)

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

- 1. Pacific Bell, date of loss 7/7/93

Note: The claim of Martin Gates, date of loss 12/7/93 was continued to the next City Council agenda due to the possibility of a settlement.
FILE NO. CC-4(c)

b) City Clerk Perrin read the following ABC License:

- 1. Patricia A. Grose, Roy's Club, 21 North Sacramento Street, Lodi, On Sale General Public Premises, Person to Person Transfer.
FILE NO. CC-7(f)

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

- 1. Planning Commission report of January 10, 1994.
FILE NO. CC-35(c)

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12.

MEETING TO CONTINUE FOLLOWING THE 11 P.M. HOUR

Pursuant to Ordinance No. 1566, the City Council, on motion of Council Member Davenport, Pennino second, determined it would continue with the remainder of the meeting following the 11:00 p.m. hour by the following vote:

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

Noes: Council Members - Snider

Absent: Council Members - None

13.

REGULAR CALENDAR

- a) The City Council, on motion of Council Member Snider, Mann second, unanimously adopted Resolution No. 94-10 approving the Parks and Open Space Master Plan with minor changes to include (1) deletion of the recommendation to request that the San Joaquin County impose a five mile per hour speed limit on the Mokelumne River for that portion located within the Lodi area; (2) deletion of the recommendation to create three divisions of the Parks and Recreation Department; (3) addition to explore the possibility of a permanent golf driving range/facility in Lodi; and (4) addition of language pertaining to the recent acquisition of the Roget property for a possible future park site, and further to exclude Section 5 regarding the Indoor Recreation Center.

Further, the City Council, on motion of Council Member Pennino, Mann second, approved Section 5 regarding the Indoor Recreation Center by the following vote:

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

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - Snider

Speaking on the matter were the following persons:

1. Virginia Lahr, 311 East Elm, Lodi (supports the approval of the Master Plan);
 2. Dennis Caughman, 1914 Columbard Circle, Lodi (supported the Master Plan; however, requested that language be included that the City does not want to compete with private businesses in relation to the indoor recreation facility);
 3. Rick Castelanelli, 1080 West Hamey Lane, Lodi (addressed the fact that there may be conflict between private- and public-operated indoor recreation facilities, but each will provide different activities for people and it should remain in the plan); and
 4. Tom Hoese, West Sacramento, (asked if the Plan can be amended in the future, or is it carved in stone at the time of adoption).
FILE NO. CC-6, CC-40 AND CC-300
- b) Due to the late hour and the fact that this report was scheduled to inform the public of this new program, the City Council, on motion of Council Member Mann, Snider second, unanimously continued the report regarding the Adopt-A-Park Program to the next regularly scheduled City Council meeting under "Presentations".
FILE NO. CC-6 AND CC-40

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- c) The City Council, heard a report regarding the Fire Department's plan to eliminate Battalion Chiefs on shift for the remainder of the 1993-94 budget year and further confirming that the plan should be implemented effective February 1, 1994.

Speaking on the matter was Frank Alegre, 2000 Edgewood Drive, Lodi. Mr. Alegre questioned the Fire Chief about overtime carryovers and the payment of these carryovers.

FILE NO. CC-34

- d) Agenda item #J-4 entitled, "Plans and specifications for purchase of transit buses" was pulled from the agenda pursuant to staff's request.
- e) Agenda item #J-5 entitled, "Contract Award for radio equipment maintenance" was pulled from the agenda pursuant to staff's request.

- f) The City Council, on motion of Council Member Davenport, Snider second, conceptually authorized the East Side Improvement Committee to proceed with its request for a donation/grant toward its lighting project as requested with review and assistance from the City Attorney. Council Member Pennino questioned City Attorney McNatt regarding potential liability in the East Side Improvement Committee giving money to citizens and hiring a contractor, because they are affiliated with the City. The City Attorney responded that the East Side Improvement Committee is an arm of City government. The action that the City Council took was to authorize them to go out and solicit donations for this project. Before any lights are put up, it would be necessary for the Committee to bring back to the City Council, exact proposals and plans and specifications, and then the Committee can, based on a number of different criteria, determine where the lights will go. But it must be done under the City's "umbrella"; they cannot act independently on this matter. Council Member Davenport also suggested that the Committee should include a waiver form.

FILE NO. CC-2(s), CC-6 AND CC-45(g)

- g) Following a brief discussion regarding the 1993-94 budget review and prospects of the 1994-95 budget, the City Council directed staff to look at ways of cutting extra spending and ways of saving money in the current budget.

Speaking on the matter was Frank Alegre, 2000 Edgewood Drive, Lodi. Mr. Alegre requested that the Finance Director prepare a report of the costs associated with carrying over overtime every year.

CC-21(b)

14. ORDINANCES

None.

15. CLOSED SESSION

The City Council adjourned to a Closed Session to discuss the following matter:

- 1. Litigation - Ramirez v. City of Lodi

There was no need for discussion regarding Labor Relations, and the City Council meeting reconvened at approximately 12:50 a.m.

FILE NO. CC-200(d)

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16.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 12:50 a.m., Thursday, January 20, 1994.

ATTEST:


Jennifer M. Perrin
City Clerk