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CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 16, 1994
7:00 P.M.

1. ROLL CALL

Present: Council Members - Davenport (arrived at approximately 7:07 p.m. and left at approximately 2:14 a.m.), Mann, Pennino, Snider and Sieglock (Mayor)

Absent: Council Members - None

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

2. INVOCATION

The invocation was given by Pastor Lyle Morris, Salvation Army.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS/PROCLAMATIONS/PRESENTATIONS

- a) Mayor Sieglock presented a proclamation to Tamara Clauson of Soroptimist International of Lodi Sunrise Club proclaiming the week of March 13 - 18, 1994 as "Soroptimist Image Week".
FILE NO. CC-37
- b) Mayor Sieglock presented Tamma Adamek with a proclamation in appreciation for her service to the citizens of Lodi as a reporter for the Lodi News Sentinel. Ms. Adamek is leaving the Sentinel after 3-1/2 years for a new position with the San Joaquin County Record, Tracy Beat. Tamma was wished continued success for the future.
FILE NO. CC-37
- c) Leland Schmiedt, Community Improvement Officer, presented the City Council with a report regarding code enforcement.
FILE NO. CC-6

5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$1,331,277.21.
FILE NO. CC-21(a)
- b) The Minutes of March 2, 1994 (Regular Meeting) were approved as written.

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- c) Agenda item #E-3 entitled, "Plans and specifications and advertisement for bids for remodel at 303 West Elm Street" was removed from the Consent Calendar and discussed and acted upon under the Regular Calendar. (Removed by Council Member Davenport.)
- d) Agenda item #E-4 entitled, "Reject all bids for standby generators for water well and storm drain pumping stations for sites 1R, 7, 9, 11R and 16 and authorize readvertisement for bids" was removed from the Consent Calendar and discussed and acted upon under the Regular Calendar. (Removed by Council Member Davenport.)
- e) Approved the amended ratified bylaws for the East Side Improvement Committee, correcting language that previously read ". . .such attrition shall occur by resignation or expiration of terms of directors currently serving" to ". . .such attrition shall occur by resignation or removal of directors currently serving".
FILE NO. CC-2(s)
- f) Set public hearing for April 20, 1994 to consider Planning Commission's recommendation to amend P-D(6), Planned Development District No. 6, to include the lots at 60 and 70 North Lower Sacramento Road to provide for an existing Single-Family dwelling and two proposed duplexes.
FILE NO. CC6 AND CC-53(a)
- g) Authorized advertisement for a Request for Proposal (RFP) for playground equipment at Henry Graves Park.
FILE NO. CC-12.1(b) AND CC-27(c)
- h) Agenda item #E-8 entitled, "Authorization for City Engineer to execute subdivision and parcel maps and to accept dedications on parcel maps on behalf of the City" was removed from the Consent Calendar and discussed and acted upon under the Regular Calendar. (Removed by Council Member Davenport.)
- i) Agenda item #E-9 entitled, "Purchase of one patrol unit for the Police Department" was removed from the Consent Calendar and discussed and acted upon under the Regular Calendar. (Removed pursuant to staff's request.)

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

- a) Mayor Sieglock announced that a public workshop with Freedman, Tung & Bottomley will be held on April 7, 1994 at the Hutchins Street Square, Multi-Purpose Room to receive input regarding the Cherokee Lane and Downtown Revitalization. Mr. Sieglock encouraged everyone to attend.

Mayor Sieglock also informed the public that four members of the Lodi City Council recently attended the National League of Cities Conference in Washington D.C. The sessions were excellent and it gave the City an opportunity to lobby for some very important issues that are affecting Lodi such as information super-highway, how the face of the telecommunications industry is changing, how local cable television may not be competing on a level playing field because of Federal regulations, clean water acts, national health care reform, economic revitalization grants, restoring safety in cities and new funding program for additional police officers and unfunded mandates. The main theme at the conference seemed to be "no more unfunded Federal mandates". The Council Members who attended had an opportunity to meet with Congressman Richard Pombo to discuss issues such as unfunded Federal mandates, the Auburn Dam and the Governor's budget with regard to immigration funding and with Senator Diane Feinstein and her representative to discuss the Safe Drinking Water Act. Mayor Sieglock asked City Attorney McNatt, who also attended the conference, to share the information he

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learned from his meeting with the Interstate Commerce Commission (ICC). Mr. McNatt stated that the City of Lodi has been in litigation over the past year or so regarding a motorcycle accident on Lodi Avenue involving the railroad tracks that runs along the middle of the street. The City has been unable to take the railroad company to State court because it has taken the position that it is a Federally-regulated interstate railway. Following discussions with ICC at this meeting, it appears now that the City may be able to hear this matter in State court, instead of having to retain outside counsel to handle the matter in Washington D.C.
FILE NO. CC-7(r), CC-72 AND CC-400

- b) Council Member Pennino also commented on the sessions at the National League of Cities Conference. Mr. Pennino would like to have a future Shirtsleeve Session some time in July to discuss the information super-highway system and how the City will be ready for it. The City needs to have a long-range plan.

Council Member Pennino also congratulated the Buddhist Church for its new facility on Stockton Street, which he attended the dedication, and for their being a part of this community and doing a great job.
FILE NO. CC-6 AND CC-7(r)

- c) Council Member Davenport thanked everyone for coming to the meeting and commented on the following matters: (1) Stated that there are some very important issues on the agenda this evening; (2) Reminded everyone to be ever mindful of gangs; (3) Commented that he would like to see the garbage cans placed in the backyard instead of on the sidewalk; (4) Glad to see that the City was well represented at the National League of Cities Conference; however, he would have liked to see the group return with money to help in the budget shortfall; (5) Commented that the City's transit system will most likely be up and running by November of this year; (6) Informed the public that negotiations are still on-going with the Lodi Police Officers' Association (LPOA) and the International Brotherhood of Electrical Workers (IBEW); (7) Encouraged citizens to give input to the City Council regarding the proposed business license tax increase; and (8) Informed the public that he attended the grand opening for the new Target store and also attended the installation dinner for Lodi Sister City Committee this weekend.
FILE NO. CC7(r), CC-22(b), CC-34, CC-50(b), CC-54, CC-56, CC-72 AND CC-400

7. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) John Young, Lodi resident, presented the City Council with additional signatures of those citizens who are opposed to the proposed business license tax increase, bringing the total to 341 people against the proposal. Mr. Young stated that any increase at this time is inappropriate and the methodology of gross receipts is ridiculous.

City Manager Peterson stated that this issue will most likely be on the agenda for the second meeting in April.
FILE NO. CC-56, CC-72 AND CC-400

- b) Susan Hitchcock and Roger Stafford of the Lodi Planning Commission commented on the recent League of California Cities Planners Institute which both they and newest member John Schmidt attended. Both stated how important these sessions are, especially for new members. They received updates on many Council- and Planning-related legislation and attended sessions regarding relationships between councils and planning commissions. Council Member Pennino, who also attended as a speaker, stated that Don Kundert, member of the Site Plan and Architectural Review Committee (SPARC), also attended the Institute.
FILE NO. CC-2(g) AND CC-7(i)

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- c) Frank Alegre, 2000 Edgewood Drive, Lodi, commented on a letter by Michael Ikemoto regarding the Efficiency Committee. Mr. Alegre stated that Mr. Ikemoto should have attended the meetings to really see what was happening and not to rely on the newspaper for his information. Mr. Alegre also expressed his complaint that the special meeting regarding refuse rates that the City Council held on Monday, March 7 was changed from Wednesday the 9th, and it was not televised by King Videocable. Mr. Alegre stated that the meeting should have been advertised more. Mr. Alegre also commented on a rumor he heard that the City will be making cuts in the police department's budget, and, if that is true, the City should look into whether this may cause it to loose the Proposition 172 funds. Mr. Alegre also commented that the business license tax cannot be designated for downtown revitalization or anything else. The business license tax can afford to be raised a **little bit**.
FILE NO. CC-2(u), CC-22(b), CC-54, CC-56, CC-72 AND CC-400
- d) Ken Cantrell, President of Lodi Downtown Business Association (LDBA) and Manager of Longs Drug Store on Lodi Avenue, Lodi, expressed his support of the proposed business license tax, because it is very important for the health of the business community. It is a very delicate issue; however, if the City really wants to revitalize its downtown, it must be supported by the business license tax.
FILE NO. CC-56, CC-72 AND CC-400
- e) Evelyn Trovinger, 1456 West Tokay Street, Lodi also expressed her opposition to the proposed business license tax increase and to the proposed methodology based on gross receipts.
FILE NO. CC-56, CC-72 AND CC-400
- f) Brian Chavez-Ochoa, 401 Sonora Avenue, Lodi, also briefly commented on the business license tax increase and the fact that the monies cannot be earmarked for any one project. Mr. Chavez-Ochoa requested that the City Manager confirm that the Community Center Director will be in attendance of the April 13, 1994 Efficiency Committee meeting, instead of the March 23, 1994 meeting (which she will be unable to attend so that she may complete her budget work). Mr. Peterson confirmed that Ms. Lange will be in attendance on April 13, 1994.
FILE NO. CC-2(u), CC-56, CC-72 AND CC-400

8. 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 Public Hearing to consider 1994-95 Community Development Block Grant (CDBG) proposals and community requests.

Hearing Opened to the Public

1. Robert Klinger, Executive Director, San Joaquin County Food Bank, requested \$10,000 for its Brown Bag Program which would serve Lodi residents;
2. Harold Klein, representing Vetrans of Foreign Wars (VFW), Lodi Chapter, 411 North Lincoln, Lodi, requested \$275,000 to expand its facility;
3. Gene Stark, representing the San Joaquin County Food Bank and General Mills, 2903 Fernwood Drive, Lodi, requested \$9,000 for Lodi's share of its purchase of a new truck;

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4. John Brinton, President of the Board of Directors, Family Law Service, 165 Dominic Drive, Suite 202, Manteca, requested \$7,200 for it to provide legal services, such as restraining orders, divorce services, guardianship for children, and adoption, to Lodi's low-income families;
5. Richard Jones, Executive Director; Bob Fisher; Elizabeth Rosenquist; Toni Taboada; Arnetto Gray, all representing the Boys and Girls Club, requested \$400,000 to assist in the completion of Phase I of its new facility;
6. Virginia Snyder, representing the East Side Improvement Committee, requested \$100,000 for an east side alley lighting program;
7. Virginia Lahr, Administrative Assistant with the San Joaquin County Fair Housing Service, requested \$10,324 to assist low-income Lodi residents with fair housing and discretionary issues; and
8. Jack Ronsko, City of Lodi Public Works Director, requested \$90,000 for modifications to the City Hall building to provide handicap accessibility.

Public Portion of Hearing Closed

Staff will bring this matter back to the City Council at its next meeting for recommendation and approval.
FILE NO. CC-6 AND CC-55

9. RECESS

Mayor Sieglock declared a ten-minute recess and the City Council meeting reconvened at approximately 9:30 p.m.

10. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney, City staff and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Snider, Pennino second, unanimously rejected the following claim and referred it back to ICA:
 1. Outreach Ministries International, date of loss 12/25/93.
FILE NO. CC-4(c)
- b) The following report was presented to the City Council:
 1. Planning Commission report of February 28, 1994.
FILE NO. CC-35(c)
- c) The City Council, on motion of Council Member Mann, Pennino second, unanimously appointed Reverend William Crabtree to the Lodi Arts Commission, term to expire July 1, 1997.
FILE NO. CC-2(k)
- d) The City Council, on motion of Council Member Davenport, Mann second, unanimously set public hearing for April 20, 1994 to consider appeal received from Faisal Sublaban appealing Notice of Public Nuisance and Order to Abate on the property located at 1107 South Central Avenue, Lodi.
FILE NO. CC-6 AND CC-53(b)

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11. REGULAR CALENDAR

a) Mayor Sieglock called for agenda item #J-1 entitled, "Review of refuse rate adjustment application". The City Council heard a report from the following persons on behalf of California Waste Removal Systems:

- Dave Vaccarezza, President, California Waste Removal Systems;
- Cindy Kline, Barakat and Chamberlin, Inc.;
- Tony Cone of Westhoff, Martin & Associates; and
- Michael Hakeem with the legal firm of Hakeem, Ellis & Simonelli. Mr. Hakeem stated for the record that California Waste was audited by the City of Lodi's firm and came out "with flying colors".

Following discussion among the City Council, Mayor Sieglock opened the matter to the public. Speaking on the matter were the following persons:

1. Earl Rempfer, 2230 West Tokay Street, Lodi (support);
2. John Ring, 334 La Vina Drive, Lodi (support);
3. Evelyn Trovinger, 1456 West Tokay Street, Lodi (opposed);
4. Susan Holmquist, 1116 Tudor Street, Lodi (support);
5. Paul Easley, 218 North School Street, Lodi (opposed);
6. Eileen St. Yves, 310 South Orange Avenue, Lodi (opposed);
7. Stan Harper, 365 Elgin Avenue, Lodi (opposed). Following Mr. Harper's comments regarding the franchise agreement, Council Member Mann stated for the record that the City's audit of California Waste was recently completed and presented, and it showed that the rate payers are not subsidizing or supporting the cost of waste collected from other areas; instead it is paid for by California Waste;
8. Brian Chavez-Ochoa, 401 Sonora, Lodi (opposed). Mr. Chavez-Ochoa presented information to the City Council which is on file in the City Clerk's office.
9. Colleen Dixon, representing the East Side Improvement Committee, requested that the City Council consider adding a curb-side pickup of household discards to the program;
10. Curtiss Jenkins, 1537 Fawnhaven, Lodi (opposed);
11. John Young, Lodi business owner and resident (opposed);
12. Pamela Cross, 107 West Lockeford Street, Lodi, complained that, while she is on the waiting list for her can, California Waste will not pick up her yard and garden waste unless she pays extra for the service. The City Clerk was directed to forward her name and address to California Waste so they may try to resolve this problem (opposed);

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13. Tom Murphy, representing Cambridge Place located at 445 East Almond Drive, Lodi (opposed). Mr. Murphy presented a letter to the City Council, which is on file in the City Clerk's office;
14. Epi Sauseda, 1519 Vista Drive, Lodi (support);
15. Roger Rich, 2415 Elmwood Court, Lodi (support);
16. Walter and Janet Pruss, 2421 Diablo Drive, Lodi (support). Mr. and Mrs. Pruss presented the City Council with a letter which is on file in the City Clerk's office;
17. David Worfolk, 430 Eureka Avenue, Lodi (support);
18. Laurie Forster, 1123 Green Oaks Way, Lodi (support);
19. Jorge A. Estrada, representing Magnolia Enterprises, 2313 West Sonoma, Stockton (support);
20. Thomas Presler, 530 Calaveras, Lodi (opposed);
21. Leo Vitale, 522 Rimby Avenue, Lodi (opposed);
22. Frank Alegre, 2000 Edgewood Drive, Lodi (opposed);
23. Ron Addington, representing the Business Council, West Oak Street, Lodi (support);
24. Dennis Cochran, 935 Coloma, Lodi (opposed); and
25. Virginia Snyder, representing the East Side Improvement Committee, requested that the City Council consider adding a curb-side pickup of household discards to the program.

Assistant City Manager Glenn informed the City Council that two messages had been received from anonymous sources expressing opposition to the requested rate increase and the City Council received several letters both for and against which are all on file in the City Clerk's office. Dave Vaccarezza then made a few closing statements.

ACTION(S)

Council Member Snider made a motion, Mann second, to adopt urgency uncodified Ordinance Nos. 1590 (residential rates), 1591 (commercial rates) and 1592 (10 to 50 cubic yard roll off boxes) increasing the refuse rate by 8.0%. The motion required a 4/5 vote of the City Council and it **failed** by the following vote:

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

Mayor Sieglock then made a motion to adopt the three urgency uncodified ordinances raising the refuse rate by 7.5%. The motion **died** for lack of a second.

The City Council then, on motion of Mayor Sieglock (upon assurance from Mr. Vaccarezza that California Waste will provide the one-time curb-side pickup of household discards as requested by the East Side Improvement Committee), second by Council Member Snider, voted to **reconsider the original motion** by the following vote:

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

Further, the City Council, on motion of Council Member Snider, Mann second, adopted the urgency uncodified ordinances shown below which would raise the refuse rate by 8.0% by the following vote:

- **Ordinance No. 1590** entitled, "An Uncodified Urgency Ordinance of the City Council of Lodi, Repealing Ordinance No.1570 in Its Entirety, and Establishing New Rates for Residential Solid Waste Collection";
- **Ordinance No. 1591** entitled, "An Uncodified Urgency Ordinance of the City Council of the City of Lodi Establishing New Rates for Commercial Solid Waste Collection, and Repealing Ordinance No. 1571 in Its Entirety"; and
- **Ordinance No. 1592** entitled, "An Uncodified Urgency Ordinance of the Lodi City Council Repealing Ordinance No. 1563 in Its Entirety, and Amending Lodi Municipal Code Chapter 13.16, Relating to Commercial 10 to 50 Cubic Yard Roll-Off Boxes".

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

FILE NO. CC-22(b), CC-54, CC-56 AND CC-149

12. RECESS

Mayor Sieglock called for a ten-minute recess and the City Council meeting reconvened at approximately 1:20 a.m.

13. VOTE TO CONTINUE WITH THE MEETING FOLLOWING 11 P.M. HOUR

Pursuant to Ordinance No. 1566, the City Council, on motion of Council Member Mann, Sieglock second, voted to continue with the remainder of the meeting following the 11 p.m. hour by the following vote:

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

REGULAR CALENDAR (Continued)

- a) The City Council, on motion of Council Member Mann, Davenport second, authorized the purchase of a replacement City-monitored silent alarm system from California Security Systems of San Mateo, in the amount of \$23,328.83 to be supported by the users of the system by the following vote:

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

Further, the system will not be purchased until an adequate number of users sign on. The cost of the system will then be adjusted among the users, and, in addition to the annual cost, businesses who sign on initially will be charged a \$75 connection fee and those who sign on afterwards will be charged a connection fee of \$150.00. All payments will be made up front.

Speaking in support of the matter was Dave Rice, 10 North School Street, Lodi.
FILE NO. CC6, CC-12(d) AND CC-152

- b) City Clerk Perrin informed Mayor Sieglock that Mr. Dennis Cochran would like his requested agenda item regarding Graffiti Abatement Services postponed until the next City Council meeting due to the late hour. The City Council felt that there was not a need to hear this matter as an agenda item and, further, on motion of Council Member Mann, Sieglock second, laid this matter on the table by the following vote:

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

It was stated that if Mr. Cochran would still like to address this matter before the City Council, he may appear under the "Comments by the public on non-agenda items" segment of the agenda.
FILE NO. CC-6 AND CC-13

- c) Due to the late hour, the City Council, on motion of Mayor Sieglock, Mann second, unanimously determined it would discuss the matter regarding request for sidewalk on the 500 block of East Oak Street at the next regular City Council meeting.
FILE NO. CC6 AND CC-45(e)

- d) Following discussion regarding City participation in the costs of the construction of Thurman Street, the City Council, on motion of Council Member Mann, Sieglock second, approved the construction of Thurman Street in the amount of \$93,000 (not including sidewalk) from the Gas Tax fund by the following vote:

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

FILE NO. CC-6 AND CC-45(a)

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15. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Mayor Sieglock, Mann second, adopted the matters set forth below by the following vote:
 - i. Approved the plans and specifications for the remodel at 303 West Elm Street and authorized advertising for bids;
FILE NO. CC-12.1(c)
 - ii. Rejected all bids for the standby generators for water well and storm drain pumping stations for sites 1R, 7, 9, 11R and 16 and authorized readvertising for bids; and
FILE NO. CC-12(b)
 - iii. Adopted Resolution No. 94-26 authorizing the City Engineer to execute subdivision and parcel maps and to accept dedications on parcel maps on behalf of the City.
FILE NO. CC-6, CC-46 AND CC-300

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

- b) Following introduction of this matter, Council Member Davenport left the meeting (approximately 2:14 a.m.).

In regards to agenda item #E-9 entitled, "Purchase of one patrol unit for the Police Department" staff informed the City Council that the City's opportunity to purchase a 1994 Crown Victoria from Melrose Ford for the cost of \$24,190 has slipped away due to the purchase of this vehicle by another city. Therefore, staff recommended that the 1994 Crown Victoria be purchased from Downtown Ford at a cost of \$24,927.53 (price includes purchase of emergency equipment and a radio). City Attorney McNatt informed the City Council that the agenda specifically recommended Melrose Ford; therefore, the City Council would need to determine that the need arose to take action on this matter after preparation of the agenda.

Therefore, the City Council, on motion of Council Member Mann, Snider second, determined that the **need arose to take action on this matter** after preparation of the agenda by the following vote:

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

Further, the City Council, on motion of Council Member Pennino, Sieglock second, adopted Resolution No. 94-27 approving the purchase of a 1994 Crown Victoria from Downtown Ford in the amount of \$24,927.53 (including emergency equipment and radio for this vehicle) by the following vote:

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

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

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16. ORDINANCES

None.

17. CLOSED SESSION

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

- a) Lodi Police Officers' Association (LPOA); and
- b) International Brotherhood of Electrical Workers (IBEW).

The City Council meeting reconvened at approximately 2:30 a.m., Thursday, March 17, 1994.
FILE NO. CC-200(a)

18. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 2:30 a.m., Thursday, March 17, 1994.

ATTEST:


Jennifer M. Ferrin
City Clerk