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CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 18, 1994
7:00 P.M.

ROLL CALL

Present: Council Members - Davenport, 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 Greg Myers, Zion Reformed Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Sieglock presented proclamations to Annie Erwin, Dustin Butler, Josh Diehl and Katie O'Ceallaigh of the Lodi High School Speech and Debate Team who were the local winners of the California High School Speech Competition.
FILE NO. CC-37
- b) Michelle Plummer with the Alpha Delta Chapter of Omega Nu presented Police Chief Hansen with a check in the amount of \$1,700 towards the Police Partners Program.
FILE NO. CC-152
- c) Public Works Director Ronsko and Mr. Doug Gerard presented the City Council with the Adopt-A-Street Program. The City Council, on motion of Council Member Snider, Pennino second, unanimously gave its approval to the Public Works Department to proceed with the program. Anyone interested in adopting a street was urged to call the Public Works Department at 333-6740.
FILE NO. CC-6, CC-45(a) AND CC-45(c)

5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$1,233,558.45.
FILE NO. CC-21(a)
- b) The Minutes of May 4, 1994 (Regular Meeting) and May 10, 1994 (Special Meeting) were approved as written. Council Member Davenport presented the City Clerk with a memo regarding possible errors/corrections on the minutes of May 4, 1994.

- c) Approved the specifications for asphalt materials for fiscal year 1994/95 and authorized advertisement for bids.
FILE NO. CC-12.1(c)
- d) Approved the specifications for maintenance of landscape areas for fiscal year 1994/95 and authorized advertisement for bids.
FILE NO. CC-12.1(c)
- e) Approved the specifications for rock and sand material for fiscal year 1994/95 and authorized advertisement for bids.
FILE NO. CC-12.1(c)
- f) Approved the specifications for Type II Slurry Seal for various City streets, 1994 and authorized advertisement for bids.
FILE NO. CC-12.1(c)
- g) Adopted Resolution No. 94-52 awarding the bid for the purchase of ten portable communications radios to the sole bidder, Lagorio Communications of Manteca, in the amount of \$5,452.15.
FILE NO. CC-12(d), CC-90 AND CC-300
- h) Accepted the improvements under the "White Slough Water Pollution Control Facility Irrigation System Expansion Pipeline Project" contract and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.
FILE NO. CC-90
- i) Agenda item #E-9 entitled, "Acceptance of improvements under Traffic Signal and Lighting Installation, Highway 12 (Kettleman Lane) and Central Avenue, and Turner Road and Stockton Street/Miwok Drive" was pulled from the agenda pursuant to staff's request.
- j) Accepted the improvements under the "Traffic Signal and Lighting Installation, Turner Road and Lower Sacramento Road/Woodhaven Lane" contract and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.
FILE NO. CC-90
- k) Adopted Resolution No. 94-53 awarding the contract for Mills Avenue Overlay, Tokay Street to Vine Street to Granite Construction in the amount of \$64,750.
FILE NO. CC-12(a) AND CC-300
- l) Agenda item #E-12 entitled, "Intention to Vacate Public Utility Easement at 2309 West Kettleman Lane" was pulled from the agenda pursuant to staff's request.
- m) Adopted Resolution No. 94-55 declaring weeds a public nuisance and initiating abatement proceedings on various parcels throughout the City, and further set the matter for public hearing for the regular City Council meeting of June 1, 1994.
FILE NO. CC-24(b) AND CC-300
- n) Agenda item #E-14 entitled, "Agreement with Lodi Events, Inc. for use of Lodi Lake Park in connection with Memorial Day weekend 'Arts & Rec at the Lake' event" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- o) Adopted Resolution No. 94-54 amending Traffic Resolution No. 87-163 by approving the elimination of the two-hour parking restriction on the west side of Sacramento Street from Walnut Street to 260 feet north of Walnut Street.

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- p) Agenda item #E-16 entitled, "Purchase of additional radio equipment for the Narcotics/Gang Unit and SWAT Team" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- q) Agenda item #E-17 entitled, "Adopt changes to Electric Utility Department's Rules and Regulations" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- r) Agenda item #E-18 entitled, "Applications for grants from Office of Traffic Safety (information only)" was removed from the Consent Calendar and discussed and acted upon following 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 Snider, Sieglock second, unanimously approved agreement with Lodi Events, Inc. for "Arts and Rec at the Lake" event and the "Ooooh Ahhh Festival".
FILE NO. CC-40 AND CC-90
- b) The City Council, on motion of Council Member Pennino, Sieglock second, unanimously authorized the expenditure of \$44,286 to purchase 16 Motorola Saber radios with batteries, microphones and chargers for the Lodi Police Department Narcotics/Gang Unit and SWAT Team.
FILE NO. CC-20 AND CC-47
- c) The City Council, on motion of Council Member Pennino, Mann second, adopted Resolution No. 94-58 approving the changes to the Electric Utility Department Rules and Regulations, such changes to be implemented retroactively to letter agreements dated September 15, 1992 or later 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, CC-300
- d) The City Council received information regarding applications for grants from the Office of Traffic Safety.

A letter of support, which is on file in the City Clerk's office, was received from Bob Slauson.
FILE NO. CC-48(a)

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

- a) Council Member Snider thanked the Public Works Department for its 5th Annual Public Works Pancake Breakfast in celebration of Public Works Week. The City Council cooked the breakfast and had a great time.

Council Member Snider also urged the public to support the Lodi High School's All-Night Graduation Party. It is a fun, safe event for the graduating seniors. Any businesses or private individuals who wish to provide additional support was asked to contact Mike Johnson at 334-1877.

- b) On motion of Council Member Mann, Sieglock second, the City Council unanimously directed staff to bring back proposed amended ordinances which would address the possibility of amortizing or waiving fees such as impact fees, sewer hook up fees, etc. for new businesses.

Council Member Mann further requested that staff place on the next agenda for discussion and possible action the possibility of amending the format and order of the City Council agenda in order to give the public every opportunity to speak on scheduled matters as early as possible at the meetings.

Council Member Mann suggested that the City consider hiring a consultant to determine the efficiency of the City and create an ad hoc committee consisting of three members (one Council Member, one staff person and one member from the public) to assist the consulting agency with this task. Therefore, the City Council, on motion of Council Member Mann, Snider second, unanimously directed staff to prepare a Request for Proposal to hire a consulting agency to determine whether or not the City is running efficiently and to bring the matter back to the City Council.
FILE NO. CC-6, CC-44, CC-51(a), CC-56, AND CC-400

- c) Council Member Davenport thanked everyone for coming and made the following comments: (1) Stated that there were 43 items of action on the agenda this evening; (2) Urged everyone to be ever mindful of gangs; (3) Read that a Sacramento Council Member is interested in public spanking for graffiti vandals and commented that it might be worth looking into; (4) Commented on the drive-by shooting that occurred on Main and Elm Streets on May 9, 1994. Mr. Davenport had asked the City Manager to take care of cleaning the blood on the sidewalk and was not sure if it had been taken care of; (5) Received letter regarding permits to build fences and would like to see that whenever a permit is taken out for a fence, staff check and make sure it isn't being built over property lines; (6) Asked for a report on the Crime Prevention Fair. Mayor Sieglock responded that Chief Hansen will be making a report under "Comments by the Public" segment of the agenda; (7) Expressed "Happy Birthday" to Personnel Director Joanne Narloch; (8) Requested that proclamations be given to the Fire Department employees who worked on the Malibu fire recently and to those who apprehended an arsonist. Mr. Davenport would like to see this on the agenda; (9) Received letter of complaint regarding the Police Department "forcing" its way into a home and is glad to see this matter is being looked into; (10) Expressed concern regarding the possibility of JCPenney leaving Lodi and wondered what results were made in Texas by Mayor Sieglock and Economic Development Coordinator Keeter; (11) Received letter of thanks for the Public Works Department replacement of sidewalk; (12) Received letter from citizen regarding the Personnel Board of Review questioning why the ordinance says the Board serves three-year terms and the boards and commissions list posted on the bulletin board says they serve four-year terms; and (13) Commented that there may be a Police Captain position coming up soon, which may be an opportunity to reorganize the department. Mr. Davenport feels this would be a good opportunity to again review the possibility of creating a Public Safety Director position to oversee both the Police and Fire Departments, therefore, doing away with one Department Head.
FILE NO. CC-2(f), CC-6, CC-16, CC-34 AND CC-400

- d) Council Member Pennino commented on an article that recently appeared in the Lodi News Sentinel and the Stockton Record regarding the deregulation of utilities, which will have a big impact on the City of Lodi. This allows for users to shop around on energy providers. Mr. Pennino requested that this be set for a future Shirtsleeve Session and asked the City Attorney to monitor this matter.
FILE NO. CC-6 AND CC-51(a)

- e) Mayor Sieglock thanked the Police and Fire Departments and volunteers for the Crime Prevention Fair. They did a good job and it turned out great. Mayor Sieglock also thanked the Gang Alternative Project (GAP) and its volunteers for the Cinco de Mayo celebration.

Mayor Sieglock announced that the upcoming workshop for Downtown Revitalization is scheduled for June 6, 1994 from 7:00 p.m. - 9:00 p.m. at the Parks and Recreation Annex.

Mayor Sieglock reported on the trip both he and Janet Keeter took to Texas to persuade JCPenney to stay in Lodi and to protect its jobs. They did an excellent job in presenting the City's case; however, JCPenney has not made its decision yet. He and City staff also had an opportunity to meet with the aviation school that will be relocating from North Dakota to the Stockton airport, and he is looking forward to having them in this area.

Mayor Sieglock announced that there will be an academic seminar called Leadership for America's Cities to be held for one week at the National League of Cities Annual Congress of Cities in December, 1994. It will select the top 100 college students in the country who will gain professionally from exposure to the people, organizations and policy issues that influence municipal governments today. The best Lodi candidate will be nominated to participate. Anyone interested was directed to contact the City Clerk at 333-6702.

Mayor Sieglock informed the public that the purpose for agenda item #J-4 regarding the proposed business license tax ordinance was to only set the matter for a public hearing for July 6, 1994. Council will not be making any other decision on the matter at this meeting; however, the public will have the opportunity to comment on the matter.
FILE NO. CC-6, CC-56, CC-72 AND CC-400

8. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Eileen St. Yves, 310 South Orange Avenue, Lodi, commented on the "Arts & Rec at the Lake" event and the "Ooooh Ahhh Festival" and expressed her displeasure that these are priced events, especially during tough economic times. Ms. St. Yves feels that this will preclude many people from attending the events because of the charges and further expressed her opposition to the City hiring an outside firm to put on this event.

It was clarified by the City Attorney that the outside firm was not hired by the City of Lodi. The City is only entering into an agreement with a non-profit organization to put on the events.

FILE NO. CC-16 AND CC-40

- b) Don Schock, 2025 Cochran Road, Lodi, Chairman for the Lodi Events, Inc., gave the City Council an update of the activities that will be taking place at the "Arts & Rec at the Lake" event to be held on May 28 and 29. Admission will be \$4.00 for adults and \$2.00 for seniors and children. Local businesses have also mailed out discount tickets to citizens. Mr. Schock informed the public that net proceeds of the event be will divided among the volunteers and groups by man hours and will then be forwarded to the charity of its choice. Mary Bagnell with the Chamber of Commerce and the Lodi Events, Inc., presented Council Members and the City Manager with T-shirts celebrating the event and informed the public that the shirts will be for sale at the Chamber of Commerce before and during the event.

FILE NO. CC-40

- c) Dick Phipps, 410 Charleston Way, Lodi, complained about the three-cart refuse system and about the garbage cans being placed on the sidewalk which is a safety hazard. Mr. Phipps feels that the placement of the cans was never voted upon by the City Council to make it legal. Mr. Phipps submitted for review by the Council at its leisure a 15 - 20 minute video tape showing a garbage truck picking up his refuse on the sidewalk.
- Council Member Mann asked that the matter regarding the placement of the garbage cans be brought back on a future agenda.
FILE NO. CC-16, CC-22(b) AND CC-54
- d) Steven Crabtree, 1037 Vienna Drive, Lodi, suggested that the City Council consider becoming a Charter city rather than a General Law city, so that we may establish our own constitution. Mr. Crabtree suggested that a committee be established to study this possibility.
FILE NO. CC-6 AND CC-18
- e) Stan Harkness, Cardinal Street, Lodi, commented on the high salaries and benefits of the top City of Lodi officials and urged that the City stop comparing itself with other cities' salaries and going "into the red". Mr. Harkness also expressed his opinion that the City is wasting money on the Beckman building and the renovation of the Carnegie Forum basement for offices. The City is also now spending money on revitalization efforts and possibly a Town Plaza. Town Plazas in other areas have caused problems with the homeless and have become eyesores. Mr. Harkness wonders if this is good planning on the City's part. Mr. Harkness also expressed his displeasure that the Council disbanded the Efficiency Committee and now wants to give bonuses to top management officials.
FILE NO. CC-34, CC-72 AND CC-400
- f) Larry Hansen, Police Chief, gave a report to the City Council on the success of the Crime Prevention Fair. Mr. Hansen presented a check to the City in the amount of \$2,581.00 which will be put into the General Fund. The monies are from the auction of recovered unidentified property taken from drug-related incidents. Chief Hansen reminded all citizens to identify their property so that it may be recovered if ever stolen.
FILE NO. CC-152
- g) Colleen Dixon, 333 Hilborn Street, Lodi, expressed her opinion that, due to the importance of code enforcement, additional code enforcement personnel should be hired rather than a Transit Coordinator.
FILE NO. CC-34
- h) John Young, Lodi resident, commented on the statements by Mr. Phipps regarding his problems with the garbage cans being placed on the sidewalk. Mr. Young suggested that he place his cans on the grass and perhaps the arms on the garbage truck could be extended three feet. Mr. Young also questioned the City Attorney regarding the open meeting law (Brown Act) and the amendments. Ms. Marty Ummel, candidate for the 4th District Supervisorial race, spoke at the last meeting, whereby Mayor Sieglock commented to her that he did not want this podium to become a political forum. Along those lines, Mr. Young wondered if there were any topics on which the public was not allowed to speak. City Attorney McNatt responded that there are items that may be inappropriate to speak on, and the Mayor has the discretion of limiting debate; however, the entire Council may override that decision. Mayor Sieglock again responded that he did not say Ms. Ummel could not speak; only that he did not want to see this forum turned into a political arena. Mr. Young also suggested that Lodi City Council Members be limited to serving only two terms.
FILE NO. CC-16 AND CC-18

9. RECESS

Mayor Sieglock declared a ten-minute recess and the City Council meeting reconvened at approximately 9:14 p.m.

10. 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 appeal of Mark Geweke on behalf of Geweke Toyota of action of the Lodi City Planning Commission which determined that a blimp flying at 1020 South Beckman Road was an illegal advertising device and ordered that its usage be discontinued.

Council Member Mann abstained from discussion and voting on this matter due to a possible conflict of interest.

Hearing Opened to the Public

1. Dale Gillespie, representing Geweke Toyota, expressed support for granting the Geweke appeal. Mr. Gillespie also stated that Geweke would be satisfied with temporarily being granted the appeal until the sign ordinance is amended.
2. Frank Winston, 118 North Cherokee Lane, Lodi, expressed his support in raising the height level in the sign ordinance, so that signs can be seen by passers-by on the freeway.

Public Portion of Hearing Closed

ACTION:

Council Member Pennino made a motion, second by Sieglock, to deny the subject appeal, but that the matter be addressed in the future during the sign ordinance review by Michael Freedman. Mayor Sieglock withdrew his second; therefore, the motion died for lack of a second.

Further, the City Council, on motion of Council Member Snider, Davenport second, made the finding that the order causes an unnecessary hardship or injustice and, therefore, granted the appeal of Geweke Toyota to **temporarily** fly an advertisement blimp at 1020 South Beckman Road until December 1, 1994 or until such time that the sign ordinance is amended, whichever is sooner by the following vote:

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

FILE NO. CC-53(a)

11. COMMUNICATIONS (CITY CLERK)

- a) City Clerk Perrin read the following ABC Licenses:
1. Josefina Jaime and Irma Osuna, Lodi Avenue Market, 316 East Lodi Avenue, Lodi, Off Sale Beer and Wine License, Person to Person Transfer; and
 2. Richard D. and Michael S. Kelley, 211 Club, 211 South Cherokee Lane, Lodi, On Sale General Public Premises, Person to Person Transfer.
FILE NO. CC-7(f)
- b) Received Application filed by Pacific Gas & Electric Company (PG&E) with the California Public Utilities Commission (CPUC) requesting authority to recover shareholder incentives related to 1993 Demand Side Management (DSM) program accomplishments.
FILE NO. CC-7(t)

12. REGULAR CALENDAR

- a) The City Council, on motion of Council Member Mann, Sieglock second, unanimously approved the lease for the Golf Driving Range at the DeBenedetti Park site including the language that rent shall be 10% of the gross ball rental revenues plus \$250 per month and \$50 every 12 months thereafter. The time of the agreement will begin on August 1, 1994 instead of July 1, 1994.
- Speaking in support of the lease was Kenneth Choo.
FILE NO. CC-6, CC-27(c), CC-40, AND CC-90
- b) The City Council, on motion of Council Member Snider, Mann second, adopted Resolution No. 94-56 authorized the hiring of a Transit Supervisor on a contractual basis to oversee the day-to-day operations of the Dial-A-Ride program by the following vote:
- Ayes: Council Members - Mann, Snider and Sieglock (Mayor)
Noes: Council Members - Davenport and Pennino
Absent: Council Members - None
- FILE NO. CC-34, CC-50(b) AND CC-300
- c) The City Council, on motion of Mayor Sieglock, Mann second, unanimously adopted Resolution No. 94-57 authorizing the Mayor to enter into an agreement with the California Statewide Communities Development Authority (CSCDA) to issue "Tax and Revenue Anticipation Notes" (TRANS) and authorizing the borrowing up to \$4,900,000 for Fiscal Year 1994/95 and issuance and sale of a 1994/95 Tax and Revenue Anticipation Note as a participant in the "California Cash Flow Financing Program".
FILE NO. CC-21(a) AND CC-300

13. COMMENT BY COUNCIL MEMBER

Council Member Pennino suggested that the City Attorney research what documents (e.g. contracts, agreements, etc.) the City Attorney is required to sign and those he is not. City Attorney McNatt responded that he will look into the matter.
FILE NO. CC-90

14. REGULAR CALENDAR (Continued)

a) The City Council, on motion of Council Member Snider, Pennino second, set public hearing for July 6, 1994 to hear public testimony on proposed amendment to business license tax ordinance by the following vote:

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

Speaking on the matter were the following persons:

1. Rich Kotowski, 1152 Devine Drive, Lodi, wondered whether the Council would be holding this meeting at an alternate location to accommodate a large crowd;
2. Lee Miuns, Lodi, complained about the businesses who do not get business licenses and suggested that instead of increasing the business license tax, the City should enforce all businesses getting the required business license; and
3. Ken Cantrell, Manager of Longs and President of the Lodi Downtown Business Association (LDBA), expressed his opposition to the fee for large retailers that was increased again. Mr. Cantrell was originally in favor of the proposal; however, he is finding it increasingly difficult to support the business license tax when it continues to double and then triple.
FILE NO. CC-6, CC-56 AND CC-400

1 ORDINANCES

None.

16. VOTE TO CONTINUE WITH MEETING FOLLOWING 11 P.M. HOUR

Pursuant to Ordinance No. 1566, the City Council, on motion of Council Member Pennino, Mann 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 Snider
Noes: Council Members - Sieglock (Mayor)
Absent: Council Members - None

17. CLOSED SESSION

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

- a) Proposal to purchase the Scenic Overlook site; and
- b) Pending Litigation - United Firefighters of Lodi (UFL) Grievance.

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18. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 11:55 p.m.

The City Council took the following actions:

Proposal to purchase the Scenic Overlook site

Mayor Sieglock informed the public that the City Council unanimously voted to decline the proposal to purchase the Scenic Overlook site.

Pending Litigation - United Firefighters of Lodi (UFL) Grievance

Mayor Sieglock announced that there was no final action taken on this matter.
FILE NO. CC-200(c) AND CC-200(d)

19. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 11:56 p.m.

ATTEST:


Jennifer M. Perrin
City Clerk