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**CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JULY 6, 1994  
7:00 P.M.**

1. ROLL CALL

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

Absent: Council Members - Davenport

Also Present: City Manager Peterson, Assistant City Manager Glenn, Public Works Director Ronsko, City Attorney McNatt 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 Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

a) Police Chief Hansen presented a report on the Romanek kidnapping and thanked City staff members, citizens, community businesses, outside agencies and citizens of the surrounding area for their volunteerism and support in bringing Katie safely home. The kidnapper is currently in custody.  
FILE NO. CC-152

b) Mayor Sieglock presented Parks and Recreation Commissioner Casalegno with a proclamation proclaiming the month of July as "Parks and Recreation Month". Mr. Casalegno urged anyone interested in sports and leisure activities to contact the Parks and Recreation Department at 333-6742.  
FILE NO. Ccp37

c) John Young, President of the Lodi Sunrise Lions Club, presented a check in the amount of \$300.00 to Mike Johnson of the Lodi Crushers Boys Under 14 Soccer Team who is trying to raise funds for one team to participate in the Triple Crown Tournament in Denver, Colorado. Mr. Johnson indicated the group still needs \$2,000 to reach its goal. Anyone interested was urged to call 334-1877.

d) Public Works Director Ronsko introduced Mr. Lloyd G. Turner, Traffic Safety Consultant, and Mr. William Marconi, P.E., Traffic Engineering Consultant, who presented a report of the Traffic Safety Evaluation prepared by the Institute of Transportation Studies (ITS) at the University of California.  
FILE NO. CC-48(a)

5. COMMENTS BY PUBLIC ON CONSENT CALENDAR ITEMS

a) Frank Alegre, 2000 Edgewood Drive, Lodi, commented on agenda item #E-10 entitled, "Acceptance of improvements in Lodi Town Plaza (Target), 2355 West Kettleman Lane". Mr. Alegre questioned why Target was charged more than Walmart for locating in Lodi. Staff explained that the traffic impact fee structure rates rose between the two projects, and Target was well aware of the increase.

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Mr. Alegre further asked for clarification on agenda item #E-14 entitled, "Contract award for purchase of radio equipment for Narcotics/Gang Unit and SWAT Team" regarding other bids received.  
FILE NO. CC-16

- b) Virginia Snyder, East Side Improvement Committee, commented on agenda item #E-15 entitled, "Contract for technical assistance for design of Street Light Installation Projects (Cherokee Lane and Arterial/Collector Streets)", and inquired as to where the street light installations would take place.  
FILE NO. CC-2(s)

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6. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$4,882,768.50.  
FILE NO. CC-21(a)
- b) The Minutes of June 8, 1994 (Joint Meeting with the Planning Commission), June 15, 1994 (Regular Meeting) and June 22, 1994 (Special Meeting) were approved as written.
- c) Approved the plans and specifications for Lodi Avenue wastewater pipe replacement, 200 feet east of Crescent Avenue to Hutchins Street and authorized advertising for bids.  
FILE NO. CC-12.1(a)
- d) Approved the plans and specifications for Washington School playground equipment, 831 West Lockeford Street and authorized advertising for bids.  
FILE NO. CC-12.1(b)
- e) Approved the specifications for five three-phase 75KVA padmount transformers and authorized advertising for bids.  
FILE NO. CC-12.1(b)
- f) Approved specifications for purchase of fifteen concrete underground vaults, complete with lids and extension rings, for installation at various locations within the City and authorized advertising for bids.  
FILE NO. CC-12.1(b)
- g) Approved the specifications for purchase of 2" and 3" underground electrical conduit and associated fittings for use in various new installations within the City and authorized advertising for bids.  
FILE NO. CC-12.1(b)
- h) Agenda item #E-8 entitled, "Specifications and advertisement for bids for weapons for the Police Department" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed at the request of Council Member Mann).
- i) Accepted the improvements under the "Westgate Park Interior Storm Drainage" contract and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.  
FILE NO. CC-90

- j) Adopted Resolution No. 94-79 accepting the development improvements for Lodi Town Plaza (Target), 2355 West Kettleman lane, and approved appropriations and payment of all reimbursements shown on the fee credit worksheet (on file in the City Clerk's Office).  
FILE NO. CC-46, CC-90, AND CC-300
- k) Approved the final map for Towne Ranch, Unit No. 3, Tract No. 2631, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.  
FILE NO. CC-46
- l) Agenda item #E-12 entitled, "Final map and Improvement Agreement for Lodi West, Unit No. 2, Tract No. 2658" was pulled from the agenda pursuant to staff's request.
- m) Adopted Resolution No. 94-80 awarding the contract for Holly Drive storm drain and water main, Ham Lane to 150 feet east of Fairmont Avenue to Robert Burns Construction of Stockton in the amount of \$82,552.  
FILE NO. CC-12(c) AND CC-300
- n) Adopted Resolution No. 94-81 awarding the purchase of 16 Motorola Saber-1 radios with batteries, microphones and chargers to the low bidder, Lagorio Communications of Manteca, in the amount of \$46,320.90, and authorized the transfer of an additional \$2,035 from the Asset Seizure Account to complete this purchase.  
FILE NO. CC-12(d) AND CC-300
- o) Approved the hiring of a contract employee for the design of the two federally-funded street light projects, "Cherokee Lane" and "Various Arterials and Collector Streets"  
FILE NO. CC-34, CC-45(a) AND CC-45(g)
- p) Authorized the City to join Amicus Curiae brief (*Tobe, et al. v. City of Santa Ana*) which relates to cities authority to regulate camping by the homeless on public property.  
FILE NO. CC-4(f)
- q) Agenda item #E-17 entitled, "'No Parking' zones on Cherokee Lane south of Pioneer Drive" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Pennino.)
- r) Received report pursuant to Lodi Municipal Code Section 2.12.120 regarding the sale of sewer inspection van, mounted with a sewer inspection television and recording system, to the Humboldt Community Services District in Eureka, California, in the amount or \$9,500.00.  
FILE NO. CC-20 AND CC-47
- s) Received report regarding the installation of bus stop on Walnut Street east of School Street.  
FILE NO. CC-48(a)
- t) Agenda item #E-20 entitled, "Joint City of Lodi and Chamber of Commerce Economic Development Task Force membership amended" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Pennino.)
- u) Agenda item #E-21 entitled, "Community Improvement Administrative Fee Schedule" was pulled from the agenda pursuant to staff's request.

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

- a) Mayor Sieglock welcomed all in attendance at the meeting and commented on the following: (1) reminded the public that Downtown Revitalization Workshop #4 will be held at Lodi Grape Festival's Jackson Hall on Wednesday, July 13, 1994, 7:00 p.m. to 10:00 p.m., and that this is the final scheduled workshop; (2) he attended Sunday's function sponsored by the East Side Improvement Committee and commended this group for its continuing efforts; (3) Lodi Arts Commission recently presented a Celebrate America event, which he attended and very much enjoyed; (4) concurs with the Planning Commission's recommendation that the San Joaquin County Planning Commission conditionally approve the request of Carl Fink on behalf of Kenneth Choo for a Use Permit to establish a golf driving range with a pro shop at 13333 North West Lane; and (5) announced that the Lodi Chamber of Commerce is conducting their annual membership drive through August 11, 1994 and encouraged those interested in becoming a member of this great organization to contact the Chamber of Commerce.

FILE NO. CC-2(g), CC-2(k), CC-2(s), CC-7(k), CC-72 AND CC-400

- b) Council Member Pennino attended the Fourth of July activities at Lodi Lake, and commended all those involved in the Kiwanis Club breakfast and the Ooh Ahh Festival, both of which were enjoyable and appeared successful. The music and fireworks, especially the finale, were spectacular and he commended the Parks and Recreation Department and Ooh Ahh Festival Committee for their efforts.

Mayor Sieglock agreed with Council Member Pennino's comments, and further added that he requested statistics from the Police Department regarding reports of crime and violence in and around the lake during the Fourth of July. In 1993 there were 10 arrests in the Lodi Lake area, this year there were 2 arrests, a significant decrease.

FILE NO. CC-40

8. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Barbara Kennedy, 835 West Harney Lane, Lodi, read a letter she recently provided to the Council regarding her concerns and disappointment with the structure of the Babe Ruth League by the Parks and Recreation Department. She also provided Council with a list of 44 signatures of citizens who concur with this problem and her concerns.

FILE NO. CC-16 AND CC-40

- b) Marlon Shropshire, Lodi, concurred with the comments of Ms. Kennedy and requested that the City Council review this problem.

Council Member Pennino suggested that while Council is in review of this matter, Mrs. Kennedy and Mr. Shropshire contact the Parks and Recreation Commission and Parks and Recreation Department directly regarding their concerns.

FILE NO. CC-16 AND CC-40

- c) Brian Ochoa, coach of one of the teams, commented that Parks and Recreation got a late start and almost had to cancel the league, and that this occurred through no fault of anyone. Further Mr. Ochoa commented that this project could use some attention from BOBS and the Parks and Recreation Commission, as it needs more time and planning to be successful.

FILE NO. CC-40

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- d) Virginia Lahr, 311 East Elm Street, Lodi, commented on the tragedy of what happened to Katie Romanek, how lucky this community is that this time there was a happy ending, and her concern that Sacramento Street and Hale Park being in such close proximity only worries her all the more these days as the drunks and derelicts from Sacramento Street wander down to the park. Mrs. Lahr further commented that Lodi is not safe, she wished she could take children of today back to a time when it was safe to play outside, commented on the recent homicide on Sacramento Street, and that we need to make this community safe again for children and the elderly and protect their rights, because Lodi is not safe.

Council Member Mann commented that he believes Lodi is safe now, and is safer than most cities, with marked improvement having been made in recent years. He further commented that the people from Sacramento Street that Mrs. Lahr referred to also have constitution rights which impair the Police Department from taking action unless a law has been broken, and that citizens and groups like the East Side Improvement Committee are making a positive difference, and that Lodi is a safe place to live.

FILE NO. CC-2(s) AND CC-16

- e) Eileen St. Yves, 310 S. Orange, Lodi, commented on the poor decision made in fencing in Lodi Lake all weekend from its citizens for a one-day festival which allowed no food or drink to be brought in, and required a fee for entry. Ms. St. Yves further commented that we fill our children with warnings regarding the dangers of alcohol consumption, and then we see a giant "Bud Man", as well known as "Joe the Camel", displayed at the Lake entrance to be seen from blocks in any direction, sending a very mixed message. Also questioned where total collected funds would be spent.

FILE NO. CC-16 AND CC-40

- f) Frank Alegre, 2000 Edgewood Drive, Lodi, requested clarification regarding the Library budget. It was suggested that Mr. Alegre contact Finance Director Flynn regarding this inquiry. Further, Mr. Alegre voiced concern over the layoffs of full time employees at a time when part time employment is being approved for economic development.

FILE NO. CC-21(b)

- g) Leona Miller, 513 East Tokay Street, Lodi, requested a meeting with the Mayor regarding a neighborhood dispute and possible City Code violation. Mayor Sieglock advised Mrs. Miller she will be contacted shortly for a meeting regarding this matter.

FILE NO. CC-16

9. RECESS

Mayor Sieglock declared a ten-minute recess and the City Council meeting reconvened at approximately 9:24 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 John Donati, 1217 Edgewood Drive, Lodi, requesting to build a swimming pool deck/patio over a Public Utility Easement and to enter into a Hold Harmless Agreement with the City of Lodi.

Hearing Opened to the Public

- 1. John Donati, 1217 Edgewood Drive, Lodi, spoke on behalf of his appeal.

Public Portion of Hearing Closed

**ACTION:**

Council Member Snider made a motion, Mann second, to grant the subject appeal with special provisions of a Hold Harmless Agreement for special expenses incurred due to Mr. Donati's structure be the responsibility of Mr. Donati; however, the motion was not voted on.

Further, the City Council, on motion of Mayor Sieglock, Mann second, denied the appeal of John Donati requesting to build a swimming pool deck/patio over a Public Utility Easement due to the fact that there was no finding of a hardship by the following vote:

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

FILE NO. CC-53(b)

11. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney and 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 claims and referred them back to ICA:

- 1. Viola Bright, date of loss 4/28/94
- 2. Tom Hale, date of loss 2/4/94
- 3. Randolph G. Kranich, date of loss 12/28/89
- 4. David Merin, date of loss 10/29/93  
FILE NO. CC-4(c)

- b) The following reports were presented to the City Council:

- 1. Planning Commission reports of June 13, 1994 and June 27, 1994  
FILE NO. CC-35(c)
- 2. Report by Jeff Glenn of the Youth Commission and its goal to create awareness of activities available and support such activities for the youth within this community. Its upcoming scheduled events include: Commonwealth Club, developing Lodi Jr. Leadership Program, support of Boys and Girls Club activities and regular publication of an information sheet advising youth of the many available activities within the community. Mr. Glenn further informed the public of the Wet n' Wild event at the Lodi Lake beach area on August 6, 1994 from 2:00 p.m. through 8:00 p.m.  
FILE NO. CC-2(f)

- c) The City Council, on motion of Council Member Mann, Pennino second, unanimously made the following reappointments/appointments to various boards and commissions:

**Library Board**

Rita Devencenzi	term to expire June 30, 1997
David Duncan	term to expire June 30, 1997

**Lodi Arts Commission**

Marlo Kerner	term to expire July 1, 1997
Susan Maley	term to expire July 1, 1997
Rexford Reynolds	term to expire July 1, 1997
Melinda Sparks	term to expire July 1, 1997

**Lodi Planning Commission**

Jonathan McGladdery	term to expire June 30, 1998
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**San Joaquin County Commission on Aging**

Dorance Ochs	term to expire June 30, 1997
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FILE NO. CC-2(a), CC-2(d), CC-2(g) AND CC-2(k)

- d) The City Council, on motion of Council Member Snider, Pennino second, unanimously directed the City Clerk to post for the following vacancy:

**San Joaquin County Emergency Food and Shelter Board**

Robert F. Hunnell	unspecified term
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FILE NO. CC-2(a)

- e) Report by Del J. Heintz, General Manager, King Videocable Company, regarding changes in cable television rates and program services.

FILE NO. CC-6

12. **REGULAR CALENDAR**

- a) Following discussion regarding Thurman Street and sewer hook-up fee economic development incentives, the City Council, on motion of Council Member Mann, Sieglock second, unanimously approved the Thurman Street improvements and sewer hook-up fee economic development incentives as described in the staff report, including conditions of repayment and performance objectives with exception of improvements serving the undeveloped eastern portion of the Minton property and stipulation that the agreement is non-transferable. The City Attorney was directed to prepare an agreement and the City Manager was directed to negotiate with the company recognizing that some costs for the undeveloped property may need to be fronted by the City and that an agreement would be brought back to the City Council for approval.  
FILE NO. CC-6, CC-45(a) AND CC-400

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b) Following discussion regarding protest of issuance of liquor license at 117 North Sacramento Street, the City Council, on motion of Council Member Snider, Sieglock second, unanimously determined it would allow a conditional use license with the following three stipulations:

- Beer and Wine with meals only;
- Establishment hours restriction; and
- On-site security guard.

Speaking in opposition to the protest of the issuance of a liquor license at 117 North Sacramento Street were the following persons:

1. Mike Smith, Project Engineer, on behalf of Ramon Guerrero, owner of El Grullense, 117 North Sacramento Street;
2. Angelo Fanos, Building Contractor, on behalf of Ramon Guerrero; and
3. Kip Gillam, 903 South Central Avenue, Lodi;
4. Virginia Snyder, East Side Improvement Committee; and
5. Virginia Lahr, 311 East Elm Street, Lodi.

FILE NO. CC-6 AND CC-72

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

The City Council, on motion of Mayor Sieglock, Pennino second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

14. RECESS

Mayor Sieglock declared a five-minute recess and the City Council meeting reconvened at approximately 11:32 p.m.

15. REGULAR CALENDAR (Continued)

a) Agenda item #J-3 entitled, "Ordinance adding Chapter 9.30 to the Lodi Municipal Code relating to shopping cart removal" was continued to the July 20, 1994 City Council meeting to allow time for the local grocers to be notified of this proposed ordinance.

b) The City Council, on motion of Council Member Pennino, Sieglock second, adopted urgency ordinance No. 1597 regulating nude, semi-nude and topless outcall entertainment by the following vote:

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

Noes: Council Members - None

Absent: Council Members - Davenport

FILE NO. CC-6, CC-69 AND CC-149

16. ORDINANCES

- a) Ordinance No. 1595 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 5.40 Defining Adult Businesses" having been introduced at a regular meeting of the Lodi City Council held June 15, 1994 was brought up for passage on motion of Mayor Sieglock, 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, Snider and Sieglock (Mayor)  
 Noes: Council Members - None  
 Absent: Council Members - Davenport

FILE NO. CC-6 AND CC-149

17. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Mann, Pennino second, unanimously amended the previously authorized specifications for 89 semi-automatic pistols, and 89 holsters for issue to Police Officers and administrative personnel and authorized advertising of bids. (Mr. Alegre, who requested this item be pulled, left the meeting prior to discussion.)

FILE NO. CC-12.1(b)

- b) The City Council, on motion of Council Member Pennino, Snider second, unanimously adopted Resolution No. 94-82 approving the installation of "no parking" zones adjacent to a private driveway located on the west side of Cherokee Lane south of Pioneer Drive.

Speaking in support of the matter was Gary Grace, Pastor at Calvalry Chapel, 651 "A" Cherokee Lane, Lodi.

FILE NO. CC-48(e) AND CC-300

- c) The City Council, following discussion regarding the removal of the Mayor and Mayor Pro Tempore from the Joint City of Lodi and Chamber of Commerce Economic Development Task Force, instructed staff to review the matter to assure the City of Lodi and its interests are represented at future task force meetings.

FILE NO. CC-2(a) AND CC-7(k)

18. CLOSED SESSION

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

- a) Pending Litigation - City of Lodi v. Preszler
- b) Potential Litigation - David Merin
- c) Labor Relations - Maintenance & Operators (M&O) and Dispatchers - *Negotiator: Assistant City Manager Glenn*

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19. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 12:13 a.m. The following actions were taken:

a) Pending Litigation - City of Lodi v. Preszler

Staff was directed to proceed in the case of City of Lodi v. Preszler.

b) Potential Litigation - David Merin

Staff was given direction to proceed in this matter

c) Labor Relations - Maintenance & Operators (M&O) and Dispatchers - Negotiator - Assistant City Manager Jerry Glenn

No final action was taken in this matter.

FILE NO. CC-200(a) AND CC-200(d)

20. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 12:14 a.m., Thursday, July 7, 1994.

ATTEST:

  
Jacqueline L. Taylor  
Deputy City Clerk