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CITY COUNCIL
REGULAR CITY COUNCIL MEETING -
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JULY 20, 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, Assistant City Manager Glenn, City Engineer Prima, City Attorney McNatt and City Clerk Perrin

2. INVOCATION

The invocation was given by Dr. Wayne Kildall, Ebenezer Congregational Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Sieglock presented a proclamation to Police Chief Larry Hansen proclaiming August 2, 1994 as "National Night Out 1994". Chief Hansen and Community Service Officer Mary Fuhs provided details to the public regarding the upcoming event and urged anyone interested to call 333-6787.
FILE NO. CC-37 AND CC-152
- b) City Manager Peterson presented the City Council with the A&W Root Beer 75th Anniversary Lodi Video, which features Lodi as the home of the original A&W Root Beer stand and presents interviews with Lodi citizens. Mr. Peterson indicated that the video will be available in the City Manager's office.

5. COMMENTS BY PUBLIC ON CONSENT CALENDAR ITEMS

- a) Frank Alegre, Lodi, commented on agenda item #E-6 entitled "Negotiated salary increases" and requested an explanation of which employees would be receiving raises. Mr. Alegre further requested information regarding the total cost of the increase to the City.
FILE NO. CC-34
 - b) Brian Ochoa, Lodi, commented on agenda item #E-7 entitled "Approve job specifications for Information Systems Coordinator" which was pulled from the agenda. Mr. Ochoa requested clarification on the position and to see the total dollar figure.
FILE NO. CC-34
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6. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Snider, Pennino second, approved the following items hereinafter set forth by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

Council Member Davenport stated for the record his dissent on Consent Calendar item #E-6 entitled, "Negotiated salary increases" indicating that he was in favor of the negotiated salary increases for the General Services Unit; however, he was not in favor of the salary increase for the Risk Management Technician. Further, Mr. Davenport would like to see matters such as this separated into two distinct items.

- a) Claims were approved in the amount of \$2,494,452.84.
FILE NO. CC-21(a)
- b) The Minutes of July 6, 1994 (Regular Meeting) were approved as written.
- c) Approved the final map for Lodi West, Unit No. 2, Tract No. 2658, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.
FILE NO. CC-46 AND CC-90
- d) Agenda item #E-4 entitled, "Final map and Improvement Agreement for Johnson Ranch, Unit No. 3, Tract No. 2587" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- e) Agenda item #E-5 entitled, "Reject all bids and authorize readvertisement for bids for Emerson Park and Lawrence Park restroom facilities" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- f) Adopted Resolution No. 94-84 adjusting the salaries of employees represented by the General Services Unit and adjusting the salary of the Risk Management Technician - a confidential employee.
FILE NO. CC-34 AND CC-300
- g) Agenda item #E-7 entitled, "Approve job specifications for Information Systems Coordinator" was pulled from the agenda pursuant to staff's request.

7. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Davenport, Sieglock second, unanimously approved the final map for Johnson Ranch, Unit No. 3, Tract No. 2587, and the payment of Development Impact Mitigation Fees for water, wastewater, street and storm drain facilities from the escrow established for the acquisition of the subdivision by the development, as outlined in the Improvement Agreement, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.

Speaking on the matter was the following person:

- 1) Bob Selder, 1280 Central Avenue, Lodi Homebuilders, answered questions posed by Council Members.
FILE NO. CC-46 AND CC-90
- b) The City Council, on motion of Council Member Davenport, Sieglock second, unanimously adopted Resolution No. 94-83 rejecting all bids for the Emerson Park and Lawrence Park restroom facilities project and authorized readvertising for bids.
FILE NO. CC-12(b) AND CC-300

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

- a) Council Member Mann presented a report to the City Council and the public regarding the recent conference he attended for the American Public Power Association (APPA) in Chicago, IL. This was an extremely important conference due to future changes in electric utilities, which will greatly affect the City of Lodi since we own and operate our own utilities. Mr. Mann urged that the City examine its system and make sure it is "lean and mean" and ready for the future changes.
FILE NO. CC-51(d)
- b) Council Member Davenport thanked everyone for attending the meeting and spoke on the following matters: (1) Reminded everyone to be ever mindful of gangs and that the Gang Alternative Project (GAP) is doing a good job; (2) Requested an update on the letter that was directed to the Post Master regarding a Lodi Town Plaza. City Manager Peterson indicated he would look into the matter and return with a report; (3) Commented that he missed the last meeting and would like to "dispel the rumors" that he has heard. Mr. Davenport urged if anyone had questions to give him a call; (4) Asked the City Manager what the status was on the \$350.00 car allowance for certain management and mid-management employees. Mr. Peterson stated that there were no changes made regarding car allowance during the recent budget process; (5) Received a letter of protest and inquiry on the closure of Lodi Lake for the July 4, 1994 Oooh Aaah Festival and another letter of complaint that citizens could not bring picnic lunches into the park and the cost of admission and food was too high. Mr. Davenport further commented on the City Attorney's written response that the matter would not be looked into unless directed by the City Council, and he, thus, gave his direction for the matter to be researched. City Attorney McNatt indicated he would look into the matter; (6) Received a letter regarding too much growth in the City of Lodi and that the growth should be curtailed and the agricultural base maintained; (7) Received letter of complaint from citizen that the helmet law is selectively enforced in the City of Lodi ; (8) Questioned if the United Firefighters of Lodi (UFL) grievance has been fully resolved. City Attorney McNatt responded that the only unresolved issue was in regards to back salary, which may have been cleared up that very morning in a telephone call with UFL representative(s). Mr. McNatt indicated that we should know sometime in the next two to three weeks; and (9) Acknowledged the recent appointment of Jonathan McGladdery to the Planning Commission at the July 6, 1994 Council meeting.
FILE NO. CC-6, CC-34, CC-40, CC-72 AND CC-400
- c) Council Member Pennino commented on the last Downtown Revitalization workshop that was held on July 13, 1994, and stated he was impressed by the community involvement and input. However, he has a concern about the recommendation of only retail businesses on the first floor buildings. There are currently business in the downtown area that do not fit into this recommendation and wondered if something uniform will be done to reflect the direction the City wants to go in the downtown revitalization efforts. City Attorney McNatt stated that at this point there is no way of controlling the businesses.

Council Member Pennino requested Council concurrence for staff to provide the City Council with a rate analysis, especially important now with the upcoming changes in utilities, as Mr. Mann stated earlier.

FILE NO. CC-51(d), CC-72 AND CC-400

- d) Assistant City Manager Glenn informed the City Council and the public that on July 27, 1994, there will be two public hearings (one at 3:00 p.m. and the other at 7:00 p.m.) at the Lodi Public Library to gather public input regarding the fixed-route transit system. Mr. Glenn encouraged the public to attend and also indicated that Dial-A-Ride will be offering free transportation to and from the meeting.

FILE NO. CC-50(b)

- e) Council Member Davenport commented on Mr. Pennino's earlier statements regarding the downtown businesses conforming to the revitalization recommendations and stated that the City has zoning ordinances to address this issue. Mr. Davenport further hoped that the City does not begin policing businesses in this free enterprise.

FILE NO. CC-72 AND CC-400

9. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Ron Pirkig, Woodbridge, who is employed with the City of Lodi as a tree trimmer, complained that the City of Lodi is "forcing" a medical disability retirement on him and a fellow co-worker. City Attorney McNatt interrupted and cautioned the City Council that this workers compensation case is currently ongoing. Mr. Pirkig continued by making several allegations against City of Lodi management employees receiving special favors and equipment for personal use and employees using City vehicles to drive to restaurants and garage sales. City Attorney McNatt responded that if the allegations were true, criminal actions could be taken, and further recommended that Mr. Pirkig go directly to the Grand Jury. Following discussion among the City Council and Mr. Pirkig, the City Council directed staff to refer the matter to the Grand Jury and that the City Manager conduct an independent investigation.

FILE NO. CC-6 AND CC-34

- b) John Donati, 1217 Edgewood Drive, Lodi, requested that the City Council reconsider the decision it made at the July 6, 1994 City Council meeting to deny his appeal to build a swimming pool deck/patio over a Public Utility Easement. Mr. Donati feels that staff misinformed the City Council, which caused it to make an uninformed decision, and, therefore, presented a statement (which is on file in the City Clerk's office) clearing up his concerns. City Attorney McNatt indicated that a motion would be required by the prevailing side to reconsider the matter. Council Members Pennino and Mann and Mayor Sieglock (of the prevailing side) indicated they would like to review Mr. Donati's material before making a decision and assured Mr. Donati they would respond to him within the next week.

FILE NO. CC-53(b)

- c) Dennis Cochran, 935 Coloma Street, Lodi, expressed his dissatisfaction with the City of Lodi's budget reduction of \$10,000 to the Lodi District Chamber of Commerce. Mr. Cochran feels the Chamber should be receiving more, instead of cutting it and using the \$10,000 to fund an economic development position. Mayor Sieglock stated that he would have liked Mr. Cochran, who had not attended the budget sessions, to have stated his opinions and concerns during the budget discussions.

FILE NO. CC-7(k) AND CC-21(b)

- d) Police Chief Larry Hansen announced and introduced Dan Biskup who has been appointed as the Lodi Police Department Historian. This is a hobby of Mr. Biskup's, and he will be doing this on a voluntary basis, which will be at no cost to the City. Mr. Biskup thanked Chief Hansen for his backing and for the opportunity to show the citizens what the Police Department is all about. To contact Dan Biskup, call his pager number at 469-5423 or call the Police Department at 333-6864.
FILE NO. CC-152
- e) Frank Alegre, Lodi, responded to Mr. Pirkig's comments regarding allegations against City of Lodi employees and indicated he did his own investigation into the tree trimming program. Mr. Alegre commended Street Superintendent George Bradley for doing a good job and stated that he feels that the accountability concerns he had may have been resolved.
FILE NO. CC- 6 & CC-34
- f) Brian Ochoa, Lodi, commended the Parks and Recreation Department, especially Tom Alexander, and the Boosters of Boys and Girls Sports Organization (BOBS) for doing an excellent job of hosting the 11 - 12 year old Central State Bambino Tournament in Lodi. Mr. Ochoa had the opportunity of being a host family to several boys playing in the tournament and urged the public to attend the final game on Thursday at 5:00 p.m.
FILE NO. CC-40
- g) Eileen St. Yves, 310 South Orange Street, Lodi, invited the City Council to attend the Orange Grove Apartment's neighborhood watch potluck supper during the National Night Out event on August 2, 1994 at 6:00 p.m.
FILE NO. CC-152

10. PUBLIC HEARINGS

None.

11. COMMUNICATIONS (CITY CLERK)

- a) City Clerk Perrin read the following ABC Licenses:
 - 1. Evelyn K. and Kenneth J. Schmollinger, Capri Pizzeria, 606 West Lockeford Street, On Sale Beer and Wine Eating Place; and
 - 2. Jayne Lee and James A. Waters, Freeway Shell, 880 East Victor Road, Off Sale Beer and Wine, Person to Person Transfer.
FILE NO. CC-7(f)
- b) The following report was presented to the City Council:
 - 1. Planning Commission report of July 11, 1994.

City Clerk Perrin informed the City Council that, pursuant to the Community Development Director, item "a" on the report regarding the possibility of waiving the requirement of the City Public Improvement Design Standards for on-site turn-arounds for Lots 1 through 14 and 20 through 24 of Lodi West Unit No. 1 would be appearing on the Lodi City Council agenda of August 3, 1994.
FILE NO. CC-35(c)

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12. RECESS

Mayor Sieglock declared a ten-minute recess and the City Council meeting reconvened at approximately 8:51 p.m.

13. REGULAR CALENDAR

- a) The City Council received a report regarding the Sunwest Plaza and Lodi Town Plaza Development Impact Mitigation Fees.

Speaking on the matter were the following persons:

1. Frank Alegre, Lodi, commented that not all of the details were shown in this report and requested the opportunity to see all of the records;
2. Darryl Browman with Browman Development, Co., the developer for both projects, stated that both projects were treated fairly and on a level playing field by City staff and indicated he was willing to meet with anyone who had a concern regarding the matter; and
3. Brian Ochoa, Lodi, stated he was not making allegations against the City in this matter; he is only trying to get the right information. Mr. Ochoa questioned the City Attorney on whether or not the financial records are public record.

Mayor Sieglock closed the public comments; however, Mr. Ochoa indicated he wished to make further comments regarding this matter. Mr. Davenport called for "point of order", arguing that the Mayor cannot limit the debate. Following a ruling by the City Attorney, Council Member Davenport made a motion to let Mr. Ochoa finish with his comments. The motion died for lack of a second. Further, the City Council, on motion of Council Member Mann, Sieglock second, voted to limit the debate to what had previously been said 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-56

- b) Agenda item #J-2 entitled, "Community Improvement Administrative Fee Schedule" was pulled from the agenda pursuant to staff's request.
- c) Council Member Snider abstained from discussion and voting on the matter regarding Peach Street improvements, Cochran Road to Tokay Street.

Speaking on the matter was the following:

- a) Mr. John Keagy, 731 Peach Street, Lodi, expressed opposition to a quick fix and would rather see a complete job done or nothing at all.

Further, a letter was received from Jerry Manzel, 711 Peach Street, Lodi in opposition to any improvements on Peach Street.

Following discussion, Mayor Sieglock made a motion, Pennino second, to approve Option 2, which would install street lights, raised curb and shoulder paving on the east side in the amount of \$22,000; however, Mayor Sieglock withdrew his motion.

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Further, the City Council, on motion of Council Member Pennino, Sieglock second, tabled the matter, deciding it would take no action at this time by the following vote:

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

FILE NO. CC-45(e)

- d) Following discussion regarding intersection studies at Elm Street and School Street, Elm Street and Sacramento Street and Elm Street and Stockton Street, Council Member Snider made a motion to accept the staff recommendation; however, the motion died for lack of a second.

Council Member Davenport then made a motion, Pennino second, to authorize the elimination of 20 feet of parking on the west side of Sacramento Street at Elm and on both sides of Stockton Street north and south of Elm Street, and further to direct a letter to the East Side Improvement Committee asking for its endorsement for the removal of crosswalk on the north leg of the intersection at Elm and Stockton Streets, with direction to staff to proceed if such is endorsement is received. The motion failed by the following vote:

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

Therefore, these areas will remain as status quo.

FILE NO. CC-48(a)

- e) Following discussion regarding ordinance adding Chapter 9.30 to the Lodi Municipal Code relating to shopping cart removal, the City Council, on motion of Mayor Sieglock, Davenport second, determined it would not introduce an ordinance of this nature at this time; however, it would instead use the Lodi Police Department Partners Program to contact and inform local stores of abandoned shopping carts that are found throughout the City, requesting they be picked up, and further that letters be sent to the local stores informing them of this action by the following vote:

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

FILE NO. CC-6

- f) The City Council, on motion of Council Member Pennino, Mann second, unanimously introduced Ordinance No. 1598 amending Chapter 9.08 of the Lodi Municipal Code by adding Section 9.08.015, relating to advertising matter distribution.
FILE NO. CC-6 AND CC-149

- g) The City Council, on motion of Council Member Davenport, Pennino second, unanimously introduced Ordinance No. 1599 amending Lodi Municipal Code Section 2.04.070 establishing the time for election of a Mayor in non-general election years.
FILE NO. CC-6, CC-18 AND CC-149

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14. MEETING OF THE LODI INDUSTRIAL DEVELOPMENT AUTHORITY (IDA) CANCELLED

Agenda item #K-1 entitled, "Lodi Industrial Development Authority - Inducement resolution for Industrial Development Bond Financing" was unanimously pulled from the agenda on motion of Mayor Sieglock, Pennino second. This matter will come back on the next agenda.

15. ORDINANCES

None.

16. CLOSED SESSION

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

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

17. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 10:59 p.m. and the following actions were disclosed:

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

No final action; therefore, nothing to report.

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 10:59 p.m.

ATTEST:


Jennifer M. Perrin
City Clerk