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CITY OF LODI
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JULY 7, 1993
7:00 P.M.

1. ROLL CALL

Present: Council Members - Davenport, Mann, Sieglock, Snider, and Pennino (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, and Deputy City Clerk Nicolini

2. INVOCATION

The invocation was given by Lyle Morris, Salvation Army.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pennino.

4. AWARDS/PROCLAMATIONS/PRESENTATIONS

a) None

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5. COMMENTS BY PUBLIC UNDER CONSENT CALENDAR

a) Jim Verseput, 2120 West Lodi Avenue, Lodi, representing the Lodi District Chamber of Commerce, made comments regarding agenda item #E-10 entitled, "Letter to Caltrans regarding use of Southern Pacific Kentucky House Branch Line" and requested that the letter have stronger language.

6. 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, with the direction to include stronger language in the letter to Caltrans referenced in agenda item #E-10.

a) Claims were approved in the amount of \$4,628,135.20.
FILE NO. CC-21(a)

b) The Minutes of April 7, 1993 (Regular Meeting), April 21, 1993 (Regular Meeting), May 5, 1993 (Regular Meeting) and May 12, 1993 (Special Meeting) were approved as written.

c) Adopted Resolution No. 93-84 initiating the annexation/reorganization proceedings for the Bridgetown I Reorganization located on the north side of West Turner Road, west of Wine and Roses Country Inn.
FILE NO. CC-8(a)

Continued July 7, 1993

- d) Adopted Resolution No. 93-85 awarding the contract for Kofu Handicap Walkway, 1145 South Ham Lane to Popuch Concrete Contracting, Inc. in the amount of \$4,274.30.
FILE NO. CC-12(a), CC-90 AND CC-300
- e) Adopted Resolution No. 93-86 awarding the contract for Anderson Avenue Street Improvements, 150' N/Swain Drive to 200' N/Swain Drive to George Reed, Inc. in the amount of \$24,705.00.
FILE NO. CC-12(a), CC-90 AND CC-300
- f) Adopted Resolution No. 93-87 awarding the contract for Lodi Jail Painting and Plumbing Retrofit, 230 West Elm Street to Charles J. Faszer, Inc. in the amount of \$42,693.40.
FILE NO. CC-12(a), CC-90 AND CC-300
- g) Set Public Hearing for August 4, 1993 to consider transportation permit fees.
FILE NO. CC-50(b) AND CC-56
- h) Set Public Hearing for August 4, 1993 to consider the Planning Commission's recommendation to approve the following requests of David C. Sproul:
 - 1. to prezone the parcels at 5909 and 6161 East State Route 12 (APN's 049-040-07 and 049-130-22) M-1, Light Industrial; and
 - 2. to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.
FILE NO. CC-53(a)
- i) Set Public Hearing for August 4, 1993 for curb ramp replacement accessibility project.
FILE NO. CC-6 AND CC-45(e)
- j) Approved letter to Caltrans regarding the use of the Southern Pacific Railroad Kentucky House Branch Line with the direction to use stronger wording in the letter.
FILE NO. CC-6 AND CC-7(h)
- k) Authorized the Mayor to sign the Urban County Cooperation Agreement which establishes the basis for the distribution of Community Development Block Grant and HOME funds.
FILE NO. CC-55 AND CC-90
- l) Received and accepted for filing the annual audit of the Special Gas Tax Street Improvement Fund for the fiscal year ended June 30, 1992 prepared by the State Controller's Office.
FILE NO. CC-21(a)

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

- a) Mayor Pennino asked Police Chief Hansen to report on the Police Department's new experimental programs.
1. Chief Hansen explained to the City Council the Police Department's new experimental program called "Operation All Out", in which sixteen "black and whites" will be on patrol throughout the City, many of which will be on the East Side. The officers will be going door-to-door to talk with people to let them know they are in the neighborhood and to discuss possible crime or safety issues in their neighborhoods. The program started that evening on an experimental basis, and if successful, the Police Department envisions continuing on a monthly basis during the summer months through the fall. Another experimental program that recently began is called "Beat Integrity" in which officers are assigned to one beat for a five-week period in order to become familiar with the area, the residents and the problems typical of that area.
FILE NO. CC-6 AND CC-152
- b) Council Member Sieglock made several comments: (1) congratulated the Dakota Club on its 50th Anniversary; (2) commended the Lodi Arts Commission for its "Celebrate America!" event which was a great success; (3) informed the public that August 21, 1993 will be the grand opening of Hale Park and encouraged Colleen Dixon to speak regarding the matter under "Comments by the Public on Non-Agenda Items" segment of the agenda; and (4) informed the public that the last meeting of the Gang Alternative Project was very informative and they had several ideas in dealing with the gang situation which will be reported by Perfecto Munoz under "Comments by Public".
FILE NO. CC-2(k), CC-2(q) AND CC-2(s)
- c) Council Member Mann announced to the public that President Clinton's proposed BTU tax (energy tax) is dead, which has saved the City of Lodi taxpayers approximately \$1 million dollars. Mr. Mann also commented on the lobbying efforts of both he and Council Member Sieglock during the recent National League of Cities Conference that was held in Washington D. C.
FILE NO. CC-6
- d) Council Member Davenport commented on the ad that appeared in that morning's Lodi News Sentinel regarding the recall efforts against him. The article was quoted saying that "Ray Davenport broke his campaign promises"; however, Mr. Davenport claims that is not true and challenged the persons listed on the ad to come forth and say what promises they feel he broke. Mr. Davenport further encouraged people to call and speak to him if they have concerns.
FILE NO. CC-6 AND CC-18
- e) Mayor Pennino informed the public that the Senior Citizens Commission has a voice mail box, the phone number is 333-6800 ext. 239, and he encouraged people to call with questions or concerns. Mayor Pennino announced the upcoming Mayor's Golf Tournament to be held on August 8, 1993 at Oakmore Golf Course. And further directed staff to look

into the possibility of fencing off Lodi Lake and charging admission for the Fourth of July Fireworks display.
FILE NO. CC-2(i) AND CC-6

8. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Rob Lechner, Pacific Gas & Electric Company (PG&E), 4040 West Lane, Stockton, introduced the new Community Manager, Marsial Fernandez.
1. Marsial Fernandez, newly-appointed Community Manager, PG&E, and a 10-year Lodi resident, shared some of his ideas for the office in Lodi: (1) PG&E is reducing its costs; (2) is improving customer relations; (3) is increasing Lodi's office hours; (4) will promote a positive community image; (5) and will continue to pursue energy efficiency in homes.
FILE NO. CC-7(t)
- b) Lyle Morris, Salvation Army, 525 West Lockeford Street, Lodi, requested donations to aid in the funding of the Arch Way Shelter (formerly the New Life Mission), 19 North Sacramento Street. Anyone interested in making a donation can send money to the following location (please designate Arch Way Shelter--if not, it will go into the Salvation Army funds):
- c/o Salvation Army
Arch Way Shelter Funding
P.O. Box 1388
Lodi, CA 95240
- c) Don Linn, 520 South Mills Avenue, Lodi; and Joe Fiori, 521 South Mills Avenue, Lodi, informed the City Council of their interest in installing street lights along Mills Avenue. They had received information from the City Clerk regarding the formation of a Street Light Assessment District; however, they are requesting assistance from the City in paying a portion of the costs. This matter will be brought back to the City Council at its meeting of August 4, 1993, and the matter regarding the possibility of a street light program will be discussed at a future Shirtsleeve Session.
FILE NO. CC-6 AND CC-10(a)
- d) Virginia Lahr, 311 East Elm Street, Lodi, commented on the shooting at Hale Park and the crime in that area. The park is unsafe at night and the gang members need to be removed from there. Mrs. Lahr thanked Mayor Pennino and Council Member Sieglock for coming out to the park on the night of the shooting, and further thanked Police Chief Hansen and Captain Adams for all of their assistance. Mrs. Lahr is glad to see that the Parks and Recreation Commission has banned the use of alcohol and created a curfew at both Hale and Blakely parks.
FILE NO. CC-16 AND CC-27(c)
- e) Perfecto Munoz, 19329 North Wilderness Way, Woodbridge, representing the Gang Alternative Project, with his son, Johnathan Munoz, informed the City Council of its suggested resolutions/ideas that it would like the City Council to consider: (1) ban alcohol at parks; (2) take

a serious stand and ban gang members in the City of Lodi; and (3) ban all gang colors at the parks. Further, the Gang Alternative Project would like the City Council to consider the following: (1) make parents responsible for child's actions; (2) have each business property owner enforce a curfew around place of business to discourage loitering; and (3) enforce a town curfew for all ages. City Attorney McNatt will research the legality of these requests.
FILE NO. CC-2(q) AND CC-27(c)

- f) John Mattos, 944 South Stockton Street, Lodi, explained to the City Council that Kim Forberg who spoke at the last meeting regarding assistance for the handicap had planned to attend tonight's meeting, but was told by someone at the City not to come. Mr. Mattos said that Ms. Forberg is very upset about this and that is why she did not attend the meeting.

Marilyn Field, Recreation Superintendent, commented that she may be the person Mr. Mattos is referring to; however, she believes there was some sort of miscommunication. Ms. Forberg's Aunt had called Ms. Field that day to tell her that Kim wanted to speak at the Parks and Recreation Commission's meeting regarding recreation activities for the handicapped. Ms. Field informed the Aunt that the Parks and Recreation Commission had its meeting the night before. The Aunt then said that she would attend the City Council meeting. Ms. Field replied that she may want to attend the next Parks and Recreation Commission Meeting which will be held in August, and that might be where the miscommunication lies. Ms. Field was directed to contact Ms. Forberg and explain the mix-up.

Mr. Mattos further responded to the comments that were said in making parents responsible for childrens' actions. It is not always a parents fault.
FILE NO. CC-6 AND CC-118

- g) Frank Alegre, 2000 Edgewood Drive, Lodi, responded to the article that appeared in the Lodi News Sentinel regarding the City of Lodi salaries and benefits, he felt that the salary comparisons were distorted and did not provide a complete picture for the public. Mr. Alegre expressed his concerns about the Parks and Recreation's action in not adopting the fees for Adult Sports; he feels it should be 100% self-funded. Also commented on crime and encouraged people to contact their Congressman. And finally expressed his opposition to the recall efforts.
FILE NO. CC-18, CC-21(b) AND CC-56

- h) Walt Saxton, 1450 Park Street, Lodi, made the following comments: (1) a committee should be put together of business and community leaders to meet with the Lodi Police Department on a quarterly basis to get more involved in public safety; (2) offered to head a committee to research possibilities in making the Fourth of July Fireworks display a money-making event as the Mayor suggested earlier; (3) proposed that a committee be made to look at budget reviews and determine ways to save/make money and ways to cut.
FILE NO. CC-21(b) AND CC-152

i) Jean Davenport, 445 Almond Drive #45, Lodi, made a suggestion to the City Attorney to aid in his research of the requests from the Gang Alternative Project.
FILE NO. CC-2(q)

j) Laurie Folweiler, 26 North Washington Street, Lodi, expressed her concerns regarding the shooting and the crime at Hale Park. She was glad to see that alcohol was banned at the park and requested that there be more police patrolling of the park, especially with the use of police dogs. Ms. Folweiler complained that the Lodi Police Department 911 System asked her several questions about a situation that she had called in, when they should be the ones to take care of it.

Police Chief Hansen reported that the Dispatcher is trained to ask certain standard questions when a call comes in--the main issue is because of the safety and welfare of the officer responding and their need to know the details.

FILE NO. CC-16, CC-27(c) AND CC-152

k) Arthur Price, 1053 Port Chelsea, Lodi, commented on the work that the Gang Alternative Project does and urged the City Council to be a part of its progress. Mayor Pennino informed the public that the City Council will be having a Shirtsleeve Session regarding gangs.
FILE NO. CC-2(q)

l) Jim Mellinger, McGee Communications, P.O. Box 8750, Stockton, apologized to Council Member Sieglock for "waiving him off" at the last City Council meeting following the discussion regarding the Dial-A-Ride radio system. Mr. Mellinger requested that the City Council investigate the bidding procedure and the conflict that Assistant City Manager Glenn has with Lagorio Communications because his son was previously employed there.

Mayor Pennino informed Mr. Mellinger that the bidding procedure will be coming back to the City Council. Further, City Attorney McNatt informed the City Council that he had an opportunity to research the matter about the alleged conflict of Mr. Glenn and found that under California laws there is no conflict in this instance.

FILE NO. CC-6 AND CC-16

m) Colleen Dixon, 333 Hilborn, Lodi, commented on the grand opening of Hale Park scheduled for August 21, 1993 and encouraged people interested in volunteering to contact the East Side Improvement Committee at 368-8848.

FILE NO. CC-2(s) AND CC-27(c)

9. RECESS

Mayor Pennino called for a ten-minute recess and the City Council meeting reconvened at approximately 9:17 p.m.

10. PUBLIC HEARINGS

a) None

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 Sieglock, Snider second, rejected the following claims and referred them back to ICA:

- 1. Tanya Heward, date of loss 6/4/93; and
- 2. Maria Ramirez, et al., date of loss 1/22/93
FILE NO. CC-4(c)

b) The following reports were presented to the City Council

- 1. Planning Commission Reports of the meetings of June 14, 1993 and June 28, 1993; and
FILE NO. CC-35(c)
- 2. Report by Virginia Snyder, Lodi East Side Improvement Committee.
 - a) Speaking on the matter was Frank Alegre, 2000 Edgewood Drive, Lodi.

ACTION:

On motion of Council Member Davenport, Mann second, the City Council unanimously directed the City Manager to prepare a code enforcement program, including the possibility of using the Fire Department, and to bring the plan back to the City Council.
FILE NO. CC-2(s)

c) The City Council, on motion of Mayor Pennino, Sieglock second, unanimously directed the City Clerk to post for the following vacancies:

LODI EAST SIDE IMPROVEMENT COMMITTEE

Mary Godfrey
John LaMere

GANG ALTERNATIVE PROJECT

Bob Shamrock

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

12. REGULAR CALENDAR

a) The City Council, on motion of Council Member Sieglock, Snider second, adopted Resolution No. 93-88 approving the schedule of fees and charges for Camp Hutchins.
FILE NO. CC-6, CC-56 AND CC-300

b) The City Council, on motion of Council Member Mann, Snider second, adopted Resolution No. 93-89 approving the Fee and Charges Schedule

Continued July 7, 1993

for the Parks and Recreation Department (with the exception of the Adult Sports Activity fees) by the following vote:

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

Speaking on the matter was Frank Alegre, 2000 Edgewood Drive, Lodi.

Further, Council Member Davenport made a motion, Mann second, to adopt the fees for Adult Sports Activity with the option to come back to the City Council to amend, if necessary. The motion failed by the following vote:

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

FILE NO. CC-6, CC-56 AND CC-300 ✓

c) Following discussion regarding the matter, the City Council, on motion of Council Member Snider, Sieglock second, unanimously approved to send letter upholding the City of Stockton Planning Commission's action to oppose the proposed Stockton General Plan.
FILE NO. CC-6 AND CC-35(a)

d) The City Council, on motion of Mayor Pennino, Mann second, unanimously authorized the remodeling of the Police Communication Center, upgrading the "call taking" station into a full dispatch position.
FILE NO. CC-12(a) AND CC-90

d) The City Council, on motion of Council Member Sieglock, Snider second, unanimously adopted Resolution No. 93-90 approving the reallocation of \$80,000 from several prior years' accounts into the 1992-93 Hale Park Account No. 45.7-760.60 retroactive to June 30, 1993. This is to cover a shortfall that occurred due to several change orders.
FILE NO. CC-55 AND CC-300

13. ORDINANCES

a) Ordinance No. 1578 entitled, "An Ordinance of the Lodi City Council Amending the Land Use Element of the Lodi General Plan by Redesignating the Parcels Located Within the Area Bounded by the Woodbridge Irrigation Canal on the North and East, West Kettleman Lane (Highway 12) on the South, and Lower Sacramento Road on the West (APN's 027-040-10, 11, 12, 16, 17, 32, 63, 64, 65, 66 and APN's 031-040-07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 19 and 20) from PR, Planned Residential, and O, Office to LDR, Low Density Residential and O, Office; and Redesignating the Parcels located at 13737 North Cherokee Lane (APN 062-290-18), 2250 South Stockton Street (APN 062-290-08), and 13845 North Cherokee Lane (APN 062-290-07) from PR, Planned Residential to LDR, Low Density Residential" having been introduced at a regular meeting of the Lodi City Council held June

338
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Continued July 7, 1993

16, 1993 was brought up for passage (this Ordinance required two votes):

SECTION 1: (Helmle project)

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

SECTION 2: (Richards Ranch project)

On motion of Council Member Mann, Sieglock 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, Sieglock, Snider and Pennino (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

FILE NO. CC-6, CC-53(a) AND CC-149

- b) Ordinance No. 1579 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Prezoning the Parcels Located Within the Area Bounded by the Woodbridge Irrigation District Canal on the North and East; Kettleman Lane (State Route 12) on the South; and Lower Sacramento Road on the West (APN's 027-040-10, 11, 12, 16, 17, 32, 63, 64, 65, 66 and APN's 031-040-07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 19 and 20) to R-1, Single-Family Residential, R-2 Single-Family Residential and R-C-P, Residential-Commercial-Professional, With a Condition Relating to School Facilities Funding" having been introduced at a regular meeting of the Lodi City Council held June 16, 1993 was brought up for passage on motion of Council Member Mann, Sieglock 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 - Davenport, Mann, Sieglock and Pennino
(Mayor)
Noes: Council Members - None
Absent: Council Members - None
Abstain: Council Members - Snider

FILE NO. CC-6, CC-53(a) AND CC-149

- c) Ordinance No. 1580 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Prezoning the Parcels Located at 13737 North Cherokee Lane (APN 062-290-18), 2250 South Stockton Street (APN 062-290-08), and 13845 North Cherokee Lane (APN 062-290-07) R-2, Single-Family Residential,

With a Condition Relating to School Facilities Funding" having been introduced at a regular meeting of the Lodi City Council held June 16, 1993 was brought up for passage on motion of Council Member Mann, Sieglock 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, Sieglock, Snider and Pennino (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

FILE NO. CC-6, CC-53(a) AND CC-149

- d) Ordinance No. 1581 entitled, "An Ordinance of the Lodi City Council Amending Chapter 10.52 of the Lodi Municipal Code by Adding a New Section Thereto Relating to Commercial Vehicle Parking Noise Restrictions" having been introduced at a regular meeting of the Lodi City Council held June 16, 1993 was brought up for passage on motion of Council Member Snider, 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 - Davenport, Mann, Sieglock, Snider and Pennino (Mayor)
Noes: Council Members - None
Absent: Council Members - None

FILE NO. CC-48(a) AND CC-149

- e) Ordinance No. 1582 entitled, "An Ordinance of the City Council of the City of Lodi Repealing Ordinance No. 1576 and Reenacting an Amendment to the Contract Between the City Council of the City of Lodi and the Board of Administration of the California Public Employees' Retirement System" having been introduced at an adjourned regular meeting of the Lodi City Council held June 24, 1993 was brought up for passage on motion of Mayor Pennino, 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 - Davenport, Mann, Sieglock, Snider and Pennino (Mayor)
Noes: Council Members - None
Absent: Council Members - None

FILE NO. CC-34 AND CC-149

14. CLOSED SESSION

On motion of Council Member Sieglock, Mann second, the City Council unanimously adjourned to a Closed Session to discuss the following matters:

- a) Labor Negotiations
- b) Threatened Litigation - Ramiriz v. City of Lodi

340

Continued July 7, 1993

The City Council meeting reconvened at approximately 11:51 p.m.
FILE NO. CC-200(a) AND CC-200(d)

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 11:53 p.m.

ATTEST:


Jennifer M. Perrin
City Clerk