

24

CITY OF LODI  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JULY 21, 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, Public Works Director Ronsko, City Attorney McNatt, and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Bob Mattheis, St. Paul's Lutheran Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pennino.

4. AWARDS/PROCLAMATIONS/PRESENTATIONS

a) Mayor Pennino presented a proclamation to Police Chief Larry Hansen proclaiming August 3, 1993 as "National Night Out". Chief Hansen introduced Jeanie Biskup, Community Service Officer (CSO), who is coordinating this effort. Ms. Biskup will also be coordinating a new volunteer program which will be beginning shortly. Chief Hansen presented a report on the Police Department's efforts in arresting prostitutes and "johns" in the City of Lodi.  
FILE NO. CC-37

\*\*\*\*\*

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Sieglock, Mann second, approved the following items hereinafter set forth except those that are otherwise noted.

- a) Claims were approved in the amount of \$1,597,750.34.  
FILE NO. CC-21(a)
- b) The Minutes of May 19, 1993 (Regular Meeting), June 2, 1993 (Regular Meeting), June 8, 1993 (Adjourned Regular Meeting), June 9, 1993 (Adjourned Regular Meeting), June 10, 1993 (Adjourned Regular Meeting) and June 15, 1993 (Adjourned Regular Meeting) were approved as written.
- c) Agenda item #E-3 entitled, "Report of sale of IBM System/36 Computer" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda (removed by Council Member Davenport).

342  
✓

Continued July 21, 1993

- d) Agenda item #E-4 entitled, "Plans and specifications and advertisement for bids for Fire Station #3 Emergency Generator" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda (removed by Council Member Davenport).
- e) Accepted the improvements under the "Well 4R Drilling, 1215 Thurman Road" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.  
FILE NO. CC-90
- f) Accepted the improvements under the "Henning Substation Masonry Wall, 1145 South Ham Lane" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.  
FILE NO. CC-90
- g) Accepted the improvements under the "Pleasant Avenue Sidewalk Replacement, Alley S/Lodi Avenue to Lodi Avenue" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.  
FILE NO. CC-90
- h) Adopted Resolution No. 93-91 awarding the contract to apply type II slurry seal for various City streets to Graham Contractors of San Jose, California in the amount of \$0.0385 per square foot or \$39,749.17 total.  
FILE NO. CC-12(a), CC-90 AND CC-300
- i) Agenda item #E-9 entitled, "Final Map and Improvement Agreement for Century Meadows Three, Unit No. 2, Tract No. 2614" was pulled from the agenda pursuant to staff's recommendation.
- j) Agenda item #E-10 entitled, "Final Map and Improvement Agreement for Johnson Ranch, Unit No. 2, Tract No. 2586" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda (removed by Council Member Davenport).
- k) Certified that the City of Lodi is in conformity with the Congestion Management Plan (CMP) of San Joaquin County.  
FILE NO. CC-6 AND CC-7(b)

\*\*\*\*\*

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

- a) Council Member Davenport made several comments regarding the recent ad by the Committee to Recall Davenport that appeared in the Lodi News Sentinel. Mr. Davenport stated that several of the statements are untrue and urged the public to call him if they had any questions or concerns.

Further, Council Member Davenport commented on the budget and the upcoming League of California Cities Conference in Monterey that some of the Council Members and City staff will be attending.

Both Mayor Pennino and Council Member Snider expressed their hope that comments regarding the recalls would not be discussed in the Council Chambers.

FILE NO. CC-6 AND CC-18

7. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Les Dabritz, Executive Director, Lodi District Chamber of Commerce, presented the City Council with the "1993/94 Business & Membership Directory", a free handout for the public. Anyone interested in obtaining a copy can pick one up at the Chamber's office located at 1330 South Ham Lane.

FILE NO. CC-7(k)

- b) Eileen St. Yves, 310 South Orange Street #60, Lodi, invited the City Council to join the residents of the Orange Grove Apartments in participating in the August 3, 1993 National Night Out. Ms. St. Yves also thanked the City of Lodi for all that has been done at Hale Park.

- c) Arthur Price, 1053 Port Chelsea Circle, Lodi, questioned agenda item #L-(b) entitled, "Closed Session, Litigation - Davenport v. City of Lodi" and asked that the City identify "Davenport".

City Attorney McNatt responded that "Davenport" is in regards to an ongoing litigation between Ray Davenport and the City of Lodi regarding employment.

FILE NO. CC-200(d)

- d) John Kraai, 351 Del Mont, Lodi, urged that the records that are to be destroyed pursuant to Resolution No. 93-18 be saved because it is too soon to destroy them.

It was stated by members of the City Council and staff that the majority of these records are over five years old, these records comply with the code regarding destruction of records, and that there was six months available for the Council, staff and public to view them and not one person has looked at those records for the past four months.

Following further discussion, Council Member Davenport made a motion, Mann second for discussion, to not destroy the records and that they be given to Mr. Davenport. City Attorney McNatt informed the City Council that this motion cannot be voted on due to the fact that it was not on the agenda. Therefore, Council Member Davenport made a motion to put this matter on for the next City Council agenda. The motion died for lack of a second. Council Member Davenport stated for the record that he feels that the destruction of these records is illegal and he will pursue it.

These records will now be destroyed.

FILE NO. CC-6 AND CC-16

- e) Frank Gayaldo, 9369 East Kettleman Lane, Lodi, also commented on the destruction of these records.

FILE NO. CC-6 AND CC-16

344  
✓

Continued July 21, 1993

- f) Jerald Kirsten, 1726 Windjammer Court, Lodi, Chairman of the Committee to Recall Davenport, made rebuttal statements in regards to Council Member Davenport's earlier comments concerning the ad they placed in the Lodi News Sentinel. Mr. Kirsten also stated that if Council Member Davenport wants to save the City money, he should resign and save the City the cost of a special election.  
FILE NO. CC-6 AND CC-18
- g) Jean Davenport, 445 Almond Drive #45, Lodi, was upset at the City Council in allowing Mr. Kirsten to talk about the recall after commenting earlier about wanting to avoid discussions regarding the recalls. Mrs. Davenport further stated that she is having the Committee to Recall Davenport investigated for misdemeanors.  
FILE NO. CC-6 AND CC-18
- h) Frank Alegre, 2000 Edgewood Drive, Lodi, commented that the City should have a policy on the destruction of records and stand by that policy to avoid this situation in the future. City Attorney McNatt stated that State law sets forth this policy.  
FILE NO. CC-6 AND CC-16

8. PUBLIC HEARINGS

- a) None.

9. 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, Sieglock second, rejected the following claims and referred them back to ICA:
  - 1. Fire Insurance Exchange (Hodo), date of loss 4/9/93
  - 2. Gerrie Hodo, date of loss 4/9/93
  - 3. Donald Minatre, date of loss 5/26/93
  - 4. Debra Watson, date of loss 11/24/92Further, the City Attorney was directed to prepare a memo to the City Council setting forth the claims process.  
FILE NO. CC-4(c)
- b) City Clerk Perrin read the following ABC License:
  - 1. Elaine Vieve Hecker - Pres./Sec./Treas., Lufty Enterprises, Inc., 13 South School Street, Lodi, On Sale General Public Premises, Person to Person Transfer.  
FILE NO. CC-7(f)

Continued July 21, 1993

c) The following report was presented to the City Council:

- 1. Planning Commission Report of July 12, 1993.  
FILE NO. CC-35(c)

d) The City Council, on motion of Council Member Mann, Snider second, approved the following reappointments/appointments:

ADVISORY BOARD 49-99 LIBRARY SYSTEMS

William Fairgrieve Term to expire 7/1/95

LIBRARY BOARD

C. M. Sullivan Term to expire 6/30/96

LODI ARTS COMMISSION

Cynthia-Morris Olagary Term to expire 7/1/96

Eleanor Kundert Term to expire 7/1/96

Jon Withers Term to expire 7/1/96

LODI PLANNING COMMISSION

Harry Marzolf Term to expire 6/30/97

John Schmidt Term to expire 6/30/97

EAST SIDE IMPROVEMENT COMMITTEE

Becky Bailey Term to expire 3/1/95

Richard Woodstrom Term to expire 3/1/96

GANG ALTERNATIVE PROJECT

Dee Porter

Mayor Pennino introduced Eleanor Kundert, Jon Withers, John Schmidt and Becky Bailey who were in the audience that evening. He further announced that there is still a vacancy on the San Joaquin County Council of Governments (COG) Citizens' Advisory Committee.  
FILE NO. CC-2(a), CC-2(d), CC-2(g), CC-2(k), CC-2(q) AND CC-2(s)

e) The City Council, on motion of Mayor Pennino, Davenport second, set Public Hearing for September 1, 1993 for appeal received from Marlo Kerner & Associates regarding Planning Commission's denial of its request to amend P-D(21), Planned Development District No. 21 (Lakeshore Village), by modifying the permitted uses to allow a restaurant with a cocktail lounge at 1750 West Kettleman Lane (APN 058-160-86).  
FILE NO. CC-53(b)

Continued July 21, 1993

10 REGULAR CALENDAR

- a) The City Council, on motion of Mayor Pennino, Mann second, unanimously authorized the City Attorney to initiate action including (if necessary) litigation to eject Central California Traction Company railroad tracks from East Lodi Avenue.

Speaking on the matter were the following persons:

1. Bob Graff, Pacific Coast Producers (PCP), Lodi (support);
2. Jay Loveless, M & R Company, Lodi (support);
3. Alfred Bulf, 13690 East Hammond, Lockeford (opposed);
4. Evelyn Olson, 1306 Burgundy Court, Lodi, representing the Lodi District Chamber of Commerce's Economic Task Force (presented both pros and cons); and
5. Bob Johnson, President-Elect, Lodi District Chamber of Commerce.

FILE NO. CC-6, CC-7(h) AND CC-200(d)

- b) The City Council, on motion of Council Member Snider, Sieglock second, unanimously adopted the Short Range Transit Plan (SRTP) as presented by the San Joaquin County Council of Governments (COG) and City staff.

Speaking on the matter were the following persons:

1. Nancy Miller, San Joaquin County Council of Governments (COG) (presented an overview of the SRTP); and
2. Alfred Bulf, 13690 East Hammond, Lockeford (support).

FILE NO. CC-7(n) AND CC-50(b)

- c) The City Council, on motion of Council Member Snider, Davenport second, unanimously adopted Resolution No. 93-92 approving the agreement between the City of Lodi and the Housing Authority of the County of San Joaquin to provide for the implementation of the Mortgage Credit Certificate Program in the City of Lodi. Ms. Mary Kuk, Administrative Analyst, Housing Authority of the County of San Joaquin, presented a report to the City Council regarding this matter. FILE NO. CC-7(b), CC-25 AND CC-90

- d) The City Council, on motion of Council Member Mann, Pennino second, unanimously authorized City staff to work in cooperation with local businesses and the Chamber of Commerce in hiring technical assistance for a downtown revitalization symposium.

FILE NO. CC-6 AND CC-72

11. ORDINANCES

- a) None.

12. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, following discussion, received the report regarding the sale of IBM System/36 Computer to California Waste Removal Systems of Lodi for the amount of \$6,500.00 (this matter did not require a vote).  
FILE NO. CC-20 AND CC-47

- b) The City Council, on motion of Council Member Mann, Snider second, approved the plans and specifications for Fire Station #3 Emergency Generator with the understanding that staff would rebuild the generator if it is less expensive than replacing the equipment by the following vote:

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

FILE NO. CC-12.1(b)

- c) The City Council, on motion of Council Member Mann, Davenport second, unanimously approved the final map for Johnson Ranch, Unit No. 2, Tract No. 2586, 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 developer 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 Bob Selders, representing Lodi Homebuilders, L. P.  
FILE NO. CC-46 AND CC-90

13. CLOSED SESSION

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

- a) Personnel - City Clerk Evaluation; and  
b) Litigation - Davenport v. City of Lodi.

The City Council meeting reconvened at approximately 10:06 p.m.  
FILE NO. CC-200(b) AND CC-200(d)

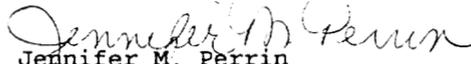
348

Continued July 21, 1993

14. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 10:07 p.m.

ATTEST:

  
Jennifer M. Perrin  
City Clerk