

359

CITY OF LODI
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 18, 1993
7:00 P.M.

1. ROLL CALL

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

Absent: Council Members - Mann

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 Father Murty Fahy, St. Anne's Catholic Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pennino.

4. AWARDS/PROCLAMATIONS/PRESENTATIONS

- a) A report was given by Ray Hirning, President, Lodi District Chamber of Commerce, regarding current activities and programs.
FILE NO. CC-7(k)
- b) A report was given by Leon Zimmerman of the Joint Lodi District Chamber of Commerce and City of Lodi Economic Development Task Force regarding its progress and accomplishments.
FILE NO. CC-7(k)
- c) Mike Reese, Tournament Chairman, announced the winners of the Mayor's Golf Tournament. Those in attendance were Janice Prudehl, winner of the Women's Low Gross; Theresa Essin, winner of the Women's Low Peoria; and Ted Parker, Mayor's Cup Champion.

5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$1,376,037.89.
FILE NO. CC-21(a)
- b) The Minutes of July 7, 1993 (Regular Meeting), July 21, 1993 (Regular Meeting) and August 4, 1993 (Regular Meeting) were approved as written.

360

- c) Adopted Resolution No. 93-99 initiating the annexation/reorganization proceedings for the Sproul Addition at 5909 and 6161 East State Route 12 (APN's 049-040-07 and 049-130-22).
FILE NO. CC-8(a) AND CC-300
- d) Approved the plans and specifications for bids for construction of electric substructures and authorized the advertisement for said bids.
FILE NO. CC-12.1(a)
- e) Approved the specifications for bids for stock computer paper for Fiscal Year 1993/94 and authorized the advertisement for said bids.
FILE NO. CC-12.1(c)
- f) Approved the specifications for bids for the purchase of fourteen concrete underground vaults, complete with lids and extension rings for installation at various locations within the City and authorized the advertisement for said bids.
FILE NO. CC-12.1(c)
- g) Agenda item #E-7 entitled, "Acceptance of Improvements under Underground Fuel Storage Tank Removal, 125 North Stockton Street, contract" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- h) Agenda item #E-8 entitled, "Improvement Agreement Addendum for Lodi West, Unit No. 1, Tract No. 1904" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- i) Adopted Resolution No. 93-100 awarding the contract for Traffic Signal and Lighting Installation, Turner Road and Lower Sacramento Road/Woodhaven Lane to Richard Heaps Electric in the amount of \$117,290.00, appropriated \$35,000.00 from the Street Development Impact Mitigation Fee Fund and reappropriated funds for this project which were originally appropriated with the Kettleman Lane/Central Avenue and Turner Road/Stockton Street signal project.
FILE NO. CC-12(a), CC-48(h) AND CC-300
- j) Agenda item #E-10 entitled, "Contract Change Orders #5 and #6 and Acceptance of Improvements under Hale Park Improvements, 208 East Locust Street, contract" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- k) Agenda item #E-11 entitled, "San Joaquin County Operational Area Agreement" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- l) Authorized the City Manager to sign the Amendment for Hazardous Materials Team Within San Joaquin County (HAZMAT) Agreement (amendment - addition of California Department of Transportation as a party).
FILE NO. CC-24(b) AND CC-90

- m) Agenda item #E-13 entitled, "'No Parking' on Kettleman Lane (State Highway 12) west of Ham Lane at Wine Country Plaza and at Sacramento Savings Bank" was removed from the Consent Calendar and discussed and acted upon immediately following the approval of the Consent Calendar. (Removed by Mayor Pennino.)
- n) Agenda item #E-14 entitled, "Traffic Resolution amendment - Lincoln Avenue and Louie Avenue, intersection control" was removed from the Consent Calendar and discussed and acted upon immediately following the approval of the Consent Calendar. (Removed by Mayor Pennino.)
- o) Adopted Resolution No. 93-103 amending the Traffic Resolution No. 87-163 by approving a 30-minute parking restriction on the west side of Stockton Street from Locust Street to the alley, in front of the Parks and Recreation Department building. These restrictions would be in effect between the hours of 8 a.m. and 5 p.m., except for Saturdays, Sundays, and holidays.
FILE NO. CC-48(k), CC-150 AND CC-300
- p) Agenda item #E-16 entitled, "Resolution of the City Council of Lodi in support of acquiring and utilizing the Southern Pacific depot in downtown Lodi for a transit facility in a multi-modal transportation system" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- q) Adopted Resolution No. 93-105 authorizing the Mayor to sign the Urban County Cooperation Agreement which establishes the basis for the distribution of Community Development Block Grant and HOME funds. (At the meeting of July 7, 1993, the City Council authorized the Mayor to sign the agreement by motion action. San Joaquin County would like the authorization done by Resolution.)
FILE NO. CC-55, CC-90 AND CC-300

6. APPROVAL OF CONSENT CALENDAR ITEMS #13 AND #14

- a) The City Council, on motion of Council Member Davenport, Snider second, unanimously adopted Resolution No. 93-101 approving the installation of "no parking" zones on Kettleman Lane (State Highway 12) 25' immediately adjacent to the west side of the two driveways servicing Wine Country Plaza and Sacramento Savings Bank.

The following persons spoke regarding the matter:

1. Jerry White, 8421 Auburn Boulevard #145, Citrus Heights;
2. Sam Taylor, 717 Atherton Drive, Lodi, owner of Angelinas Restaurant;
3. Frank Alegre, 2000 Edgewood Drive, Lodi;
4. Larry Harris, 339 Louie Avenue, Lodi; and
5. Dorean Rice, 1420 West Kettleman Lane, Lodi.

FILE NO. CC-48(e), CC-150 AND CC-300

362

- b) The City Council, on motion of Council Member Snider, Sieglock second, unanimously adopted Resolution No. 93-102 amending the Traffic Resolution No. 87-163 to approve conversion from "yield" signs to "stop" signs on Lincoln Avenue at Louie Avenue.

Speaking on the matter was Amber Harris, 339 Louie Avenue, Lodi.
 FILE NO. CC-48(h) AND CC-300

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

- a) Mayor Pennino commended Janet Keeter, Economic Development Coordinator, for her work on arranging the Downtown Revitalization Symposium which was held on August 5, 1993. Mr. Pennino felt this was a step in the right direction to revitalizing the downtown area, and also assured the Cherokee Lane businesses that they will not be overlooked.

Mayor Pennino further extended a farewell to Frank Musgrove, Lodi King Videocable Company, who will be leaving for San Diego to attend school.
 FILE NO. CC-72 AND CC-400

- b) Council Member Sieglock commented on the relocation of the golf driving range and hoped that the City could offer Mr. Choo a longer lease plan than five years. Mr. Sieglock also expressed a fond farewell to Vera Crete, Legal Secretary for the City of Lodi, who will be retiring shortly. Council Member Sieglock recognized General Mills for the many local and county charities it donates to throughout the years. Further, Mr. Sieglock commented on the excellent presentation by Michael Freedman with Freedman, Tung and Bottomley regarding the Downtown Revitalization Symposium.
 FILE NO. CC-6, CC-72 AND CC-400

- c) Council Member Davenport made comments on several matters: (1) expressed concerns regarding the amount of paper that the City of Lodi uses, and suggested that each department reduce it usage; (2) informed the public that the East Side Improvement Committee is interested in implementing an ordinance regarding a curfew for the youth of Lodi; (3) commended the Lodi District Chamber of Commerce on the success of its membership drive; (4) informed the public that an ordinance has been drafted for Council's consideration regarding massage parlors, and urged those interested to contact the City Attorney's office; (5) commented on the Water Conservation Program which was discussed at length at the Shirtsleeve Session of August 17, 1993. Mr. Davenport would like to see the usage of volunteers to patrol Lodi for water violators; (6) informed the public of the Hale Park Dedication which will be held on Saturday, August 21, 1993, and urged the public to attend; (7) made several comments regarding Richards Ranch and the procedure for annexations. Mr. Davenport feels that there are some inconsistencies and that staff needs to be more accurate when dealing with annexations; (8) expressed his concerns regarding the Personnel Board of Review and felt that the City Council should take a look at it in the future; (9) commented on

the claim that appeared on the agenda under Communications (claimant is a City of Lodi employee) and expressed his feeling that the Council needs to look at how grievances and employee problems are being handled; and (10) made several comments regarding the recall and the "misrepresentations" by the signature gatherers and informed the public that he made a "Citizen's Arrest" at K-Mart.
FILE NO. CC-2(f), CC-2(s), CC-6, CC-8(a), CC-18 AND CC-183(d)

- d) Mayor Pennino asked staff to research the possibility of using Pixley Park as a location for the golf driving range.
FILE NO. CC-6
- e) Council Member Davenport urged staff to look at the setback requirements of any possible new locations to ensure that we do not run into the same problems that were encountered at the previous location.
FILE NO. CC-6
- f) Mayor Pennino reminded the public that there are still vacancies on the Gang Alternative Project and the San Joaquin County Council of Governments (COG) Citizens' Advisory Commission. Anyone interested in filling out an application should contact the City Clerk's office.
FILE NO. CC-2(a) AND CC-2(q)

8. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Harry Thomas, 17 North Central Avenue, Lodi, presented a letter to the City Council (which is on file in the City Clerk's office) expressing his opposition to the North American Free Trade Agreement and informed the public that he is circulating petitions to send to Congress to stop this effort.
FILE NO. CC-6 AND CC-16
- b) Ken Owen, 10908 North Micke Grove Road, Lodi, Christian Community Concerns, invited the public to attend Celebration Day, Saturday, August 21, 1993 from 10:00 - 5:00 p.m. at the Lodi Grape Bowl amphitheater. There will be performances, music, children's games, ministry booths, and concession stands. Parking and admission is free. The theme this year is "Jesus Loves You and Me".
- c) George Newmarch, P.O. Box 355, Lodi, expressed his dissatisfaction with the City of Lodi 911 System. The City Manager was directed to contact Mr. Newmarch to discuss the matter.
FILE NO. CC-16
- d) Larry Harris, 339 Louie Avenue, Lodi, offered to paint the wall around Lodi Lake, along with another company, at no charge to the City. Mr. Harris will be contacted shortly by staff to discuss the matter.
FILE NO. CC-6
- e) Virginia Rhodes, 15841 Moore Road, Lodi, made several comments regarding the recall and the collection of signatures on the petitions. Ms. Rhodes was assisting the Committee to Recall Davenport in circulating petitions and now apologizes for doing so

364

Continued August 18, 1993

because she was allegedly given incorrect information that she was passing on to people who were signing the petitions.

FILE NO. CC-6, CC-16 AND CC-18

- f) Tom Preszler, 530 Calaveras Street, also made comments regarding the recall and the collection of signatures.
FILE NO. CC-6, CC-16 AND CC-18

- g) Ted Gonzales, Stockton City Council Member, 1245 North Wilson Way, Stockton, representing the Graffiti Abatement Society, asked that a future meeting with the Lodi City Council be arranged to discuss ways of keeping Lodi clean from graffiti.

Council Member Sieglock informed Mr. Gonzalez of Lodi's desire to meet with the Stockton City Council to discuss the Stockton General Plan and asked if he would be willing to do so.

FILE NO. CC-6 AND CC-35(a)

- h) Cheryl Reinke, 420 Ravenwood Way, Lodi, informed the City Council that Virginia Rhodes was the person who was placed under "Citizen's Arrest" by Council Member Davenport. She also stated that Ms. Rhodes lives in the County; however, Dave Vance (the firm hired by the Committee to Recall Davenport to collect signatures) listed her as a Lodian.

FILE NO. CC-6, CC-16 AND CC-18

- i) Dave Vance, 1231 West Robinhood, Stockton, assured the public that he does not allow misrepresentation among his circulators as many of the speakers before had alleged. Mr. Vance read to Council Member Davenport two sections from the Elections Code regarding threats and harassment of petition circulators.

Council Member Snider strongly urged that any and all discussion regarding the recall not be made at the Council Chambers.

FILE NO. CC-6, CC-16 AND CC-18

- j) Frank Alegre, 2000 Edgewood Drive, Lodi, requested clarification on who can speak at a City Council meeting.

City Attorney McNatt replied that anyone can speak at a City Council meeting, regardless of whether or not they reside in the City.

FILE NO. CC-16

- k) Jeff Kirst, 109 River Meadows Drive, Lodi, corrected several of the earlier comments that incorrectly used his name instead of Jerry Kirsten.

9. PUBLIC HEARINGS

- a) None.

10. 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 Mayor Pennino, Snider second, rejected the following claim and referred it back to ICA:

1. Craig C. Gilbert, date of loss 5/26/93

FILE NO. CC-4(c)

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

1. Planning Commission Report of August 9, 1993

FILE NO. CC-35(c)

c) Marty Yoder, 101 East Lodi Avenue, Lodi; Pat Sherman, 708 Reisling, Lodi; and Bob Lonzo, 1801 Amber Leaf Way, Lodi presented a report regarding pet fair and pet licensing fees. This matter will be brought back at a future Council meeting.

FILE NO. CC-56 AND CC-65

11. RECESS

Mayor Pennino called for a ten-minute recess and the City Council meeting reconvened at approximately 9:20 p.m.

12. REGULAR CALENDAR

a) The City Council, on motion of Council Member Sieglock, Snider second, unanimously adopted Resolution No. 93-106 approving the Adult Sports Fees and Charges schedule as recommended by the Parks and Recreation Commission.

Speaking on the matter were the following persons:

1. Terry Wisdom, 19690 Highway 99, Acampo;

2. Dan Gruber, 649 Roper Avenue, Lodi;

3. Frank Alegre, 2000 Edgewood Drive, Lodi; and

4. Gary Kiedrowski, 1117 West Locust Street, Lodi, representing the Adult Sports Advisory Board.

FILE NO. CC-40 AD CC-56

b) Agenda item #J-2 entitled, "Report on golf driving range relocation" was continued to the meeting of September 1, 1993 per the request of Mr. Kenneth Choo.

366

- c) The City Council, on motion of Council Member Snider, Sieglock second, unanimously introduced Ordinance No. 1584 implementing a rate credit of 4 mills per kilowatt-hour for electric customers with demands of one megawatt or more, effective September 1, 1993, which will be reviewed January 1995.
FILE NO. CC-51(d) AND CC-149
- d) Following discussion regarding the request from Bennett & Compton made on behalf of Towne Ranch Associates, developer of the Towne Ranch subdivision, regarding the reverse frontage fence along Lower Sacramento Road, the City Council, on motion of Council Member Snider, Sieglock second, unanimously tabled the matter for further information on costs for maintenance of the fence.
FILE NO. CC-6

13. RECESS

Mayor Pennino called for a ten-minute recess, and the City Council meeting reconvened at approximately 10:57 p.m.

14. EMERGENCY ITEM ADDED TO THE AGENDA

The City Council, on motion of Council Member Snider, Pennino second, determined that the need arose following the preparation of the agenda to hear the matter regarding plans and specifications for Public Safety building air-conditioner replacement by the following vote:

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

Further, the City Council, on motion of Council Member Sieglock, Pennino second, unanimously determined it would hear the matter regarding authorization to retain consultant to prepare plans and specifications for Public Safety building air-conditioner replacement.

ACTION:

The City Council, on motion of Council Member Snider, Pennino second, unanimously approved retaining Wenell Mattheis Bowe for the preparation of plans and specifications to replace the existing Public Safety Building air-conditioning chillers.
FILE NO. CC-12.1(c) AND CC-90

15. MEETING TO CONTINUE FOLLOWING THE 11:00 P.M. HOUR

Pursuant to Ordinance No. 1566, the City Council, on motion of Council Member Davenport, Pennino 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, Sieglock and Pennino (Mayor)
- Noes: Council Members - Snider
- Absent: Council Members - Mann

367

16. ORDINANCES

- a) Ordinance No. 1583 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning the Parcels Located at 5909 and 6161 East State Route 12 (APN's 049-040-07 and 040-130-22) M-1, Light Industrial" having been introduced at a regular meeting of the Lodi City Council held August 4, 1993 was brought up for passage on motion of Council Member Sieglock, Pennino 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, Sieglock, Snider and Pennino
(Mayor)
Noes: Council Members - None
Absent: Council Members - Mann

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

17. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Sieglock, Snider second, unanimously accepted the improvements under the "Underground Fuel Storage Tank Removal, 125 North Stockton Street" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.
FILE NO. CC-90
- b) The City Council, on motion of Council Member Davenport, Snider second, unanimously approved the Improvement Agreement Addendum for Lodi West, Unit No. 1, Tract No. 1904 (subject to verification of the figure for unreimbursed engineering and administrative fees for oversize water mains), authorized the City Manager to execute the Agreement, appropriated the necessary funds from the Street Development Impact Mitigation Fee Fund and authorized the Finance Director to make the necessary refunds for engineering and inspection fees.
FILE NO. CC-90
- c) The City Council, on motion of Council Member Davenport, Pennino second, unanimously received Contract Change Orders #5 and #6 and accepted the improvements under the "Hale Park Improvements, 208 East Locust Street" contract (following receipt of properly executed Contract Change Order #6), and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.
FILE NO. CC-90
- d) The City Council, on motion of Mayor Pennino, Davenport second, unanimously authorized the City Manager to sign the San Joaquin County Operational Area Agreement.
FILE NO. CC-90

368

Continued August 18, 1993

- e) The City Council, on motion of Council Member Davenport, Pennino second, unanimously adopted Resolution No. 93-104 entitled, "A Resolution of the Lodi City Council in Support of Acquiring and Utilizing the Southern Pacific Depot in Downtown Lodi for a Transit Facility in a Multi-Modal Transportation System".
FILE NO. CC-7(h) AND CC-50(a)

18. CLOSED SESSION

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

- a) Personnel - Continued City Clerk Evaluation
- b) Dibromochloropropane (DBCP) Litigation

The City Council meeting reconvened at approximately 11:50 p.m.
FILE NO. CC-200(b) AND CC-200(d)

19. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 11:50 p.m.

ATTEST:


Jennifer M. Perrin
City Clerk