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CITY OF LODI
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 1, 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

2. INVOCATION

The invocation was given by Pastor Lyle Morris, Salvation Army.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pennino.

4. AWARDS/PROCLAMATIONS/PRESENTATIONS

a) A presentation was made by Mr. Eugene Griffith, California State Automobile Association, of the 1993 Pedestrian Safety Achievement Award to City of Lodi Police Chief. Also present were students representing Beckman, Nichols, Lawrence, Lakewood, Vinewood and Washington schools and their respective traffic safety programs. Police Chief Hansen acknowledged the efforts of Community Service Officers Jeanie Biskup and Mary Fuhs.
FILE NO. CC-152

b) Police Chief Larry Hansen and Community Service Officers Biskup and Fuhs presented checks to the following National Night Out award winners sponsored by the California Correctional Peace Officers Association:

2000 Block of Corbin Lane - \$50.00 check
Mokelumne River Drive - \$50.00 check
310 South Orange Street - \$50.00 check

FILE NO. CC-152

c) Dave Vietmeier, Co-Chairman of Field and Fair Day, gave a presentation regarding Field and Fair Day and its activities. Some of the new activities this year are the memorabilia tent, basketball shoot out contest, car show, children's concert sponsored by Mervyns and yo-yo contests. Further, Mayor Pennino informed the public that he, some of his fellow Council Members and the City Attorney will be participating in the dunk tank at both the Field and Fair Day on September 6, 1993 and the Farmers Market on September 9, 1993.

5. ANNOUNCEMENT

Mayor Pennino announced that the public hearing scheduled this evening regarding the appeal of Marlo Kerner & Associates would be continued to October 6, 1993.

* * * * *

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, except those otherwise noted.

- a) Claims were approved in the amount of \$3,984,420.57.
FILE NO. CC-21(a)
- b) The Minutes of August 18, 1993 (Regular Meeting) were approved as written.
- c) Agenda item #E-3 entitled, "Plans and specifications and advertisement for bids for Public Safety Building air conditioner replacement" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- d) Accepted the improvements under the "Cherokee Lane/Hale Road Traffic Signal and Lighting Installation and Concrete Curb, Gutter, and Sidewalk Installation" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's office, and appropriated an additional \$17,000 from the Gas Tax Fund to complete the project.
FILE NO. CC-90
- e) Agenda item #E-5 entitled, "Contract Change Order No. 1 and acceptance of improvements under Oak Street Reconstruction, Pacific Avenue to Ham Lane contract" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- f) Agenda item #E-6 entitled, "Intention to vacate alley north of East Lodi Avenue from Cherokee Lane to 280 feet west of Cherokee Lane" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- g) Agenda item #E-7 entitled, "Intention to vacate the alley west of Washington Street from East Vine Street to 150.3 feet north of East Vine Street" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)

- h) Set public hearing for October 6, 1993 to consider the Planning Commission's recommendation for the 1993 Growth Management Allocations.
FILE NO. CC-6 AND CC-35(b)
- i) Adopted Resolution No. 93-109 declaring weeds a public nuisance and initiating abatement proceedings on three parcels within the City of Lodi, and set the matter for public hearing at the regular City Council meeting of September 15, 1993.
FILE NO. CC-24(b) AND CC-300
- j) Adopted Resolution No. 93-110 establishing the 1993/94 tax rate for bond interest and redemption at 1.46 cents per \$100 of assessed valuation.
FILE NO. CC-21(a), CC-177 AND CC-300
- k) Agenda item #E-11 entitled, "Report on attorney's fees connected with Davenport v. City of Lodi litigation" was removed from the Consent Calendar and discussed and acted upon following the adoption of the Consent Calendar. (Removed by Mayor Pennino due to public interest in the matter.)

7. DISCUSSION OF AGENDA ITEM #E-11 REMOVED FROM THE CONSENT CALENDAR

The City Council received report on attorneys' fees connected with Davenport v. City of Lodi litigation.

Speaking on the matter were the following persons:

- a) Cheryl Reinke, Citizens Watch Committee, 420 Ravenwood Way, Lodi; and
- b) Jean Davenport, 445 Almond Drive #45, Lodi.

FILE NO. CC-6 AND CC-200(d)

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

- a) Mayor Pennino congratulated Greg Bishop, graduate of Lodi High School and student of the University of the Pacific (UOP), for being the draft pick for the New York Giants football team. Also, Mayor Pennino announced that he attended the reception for the press box at the Grape Bowl and informed the public that donations are still needed to complete the project by the target date of September 24, 1993. Further, Mayor Pennino urged the Parks and Recreation Commission to look into the use of the Minton Building as a possible Parks and Recreation Department facility.
 - 1. Bob Johnson, Chairperson, Parks and Recreation Commission, informed Mayor Pennino that the Commission has made arrangements to look at the building the very next day.
FILE NO. CC-6 AND CC-40

b) Council Member Mann referred to a letter he had received from Assemblyman Andal regarding the recovery of booking fees for prisoners and urged staff to look into ways to recover costs for Lodi's jail. Mr. Mann further expressed his support for an anti-loitering/curfew ordinance which, he feels, would assist the Police Department in fighting crime. Also suggested was another "on-location" meeting of the City Council, possibly in October or November.

FILE NO. CC-6 AND CC-56

c) Council Member Davenport commented on the following matters: (1) the gang problems in Lodi; (2) the fact that the agendas seem to be getting smaller; (3) there are 500 acres of agricultural land that will be developed; (4) the success of the Hale Park Dedication and the recent Boards and Commissions reception; (5) he would still like to receive the information regarding grievances; (6) attended a retirement function for Elsie Temp who works in the Fire Department; and (7) the Beckman Building lease is \$60,000 a year, and there is nothing in the building. The engineering division should move into the building to free up room.

FILE NO. CC-6

d) Council Member Sieglock was glad to see a lot of interest in the curfew ordinance especially by the East Side Improvement Committee and the Gang Alternative Project. Mr. Sieglock further appreciated everyone's time and efforts spent on the Hale Park Dedication, and he also enjoyed listening to the Historical Society speak on the history of the bandstand. Mr. Sieglock also commented on the reverse frontage fences and hoped that when fences of this nature face each other greenery will be used to make the area more aesthetically pleasing.

FILE NO. CC-6 AND CC-27(c)

e) Mayor Pennino informed the public of the Joint Meeting between the City Council and the Planning Commission to be held Wednesday, September 8, 1993 at Hutchins Street Square, Senior Information Center.

9. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

a) John Phillips, District Attorney, 222 East Weber, Stockton, responded to allegations made at the City Council meeting of August 18, 1993 wherein Virginia Rhodes claimed that the District Attorney said that City Manager Peterson was involved in the recall efforts against Council Member Davenport. Mr. Phillips stated that Ms. Rhodes has never spoken to him, and that after questioning his staff, discovered that no statements to that affect were ever made to Ms. Rhodes.

FILE NO. CC-6 AND CC-18

b) Colleen Dixon, 333 Hilborn, Lodi, commented on the great success of the Hale Park Dedication and thanked these additional people for their participation and assistance: Lodi Community Band; Midnight Hour Band; Scott Essin, City of Lodi Parks Superintendent; Frank Pepper, City of Lodi Parks Supervisor; Lodi District Chamber of Commerce; Lodi News Sentinel and Stockton Record; the Mettler Family; the Kettleman Family; the Perrin Family; and the Historical Society.
FILE NO. CC-27(c)

c) Arthur Price, 1053 Port Chelsea, Lodi, read an excerpt from the Stockton Record regarding Water Conservation and commended the success of the program.
FILE NO. CC-183(d)

d) Walter White, 2141 Gateway Circle, Lodi, commented on the need for a golf course in the City of Lodi.
FILE NO. CC-40

e) Walter Plath, 1439 Voelker Drive, Lodi, complained about the garbage rates in Lodi and about the three-cart refuse system.

Assistant City Manager Glenn gave a brief report on the three-cart system. It was recommended that Mr. Plath get in touch with the Health Department regarding some of his concerns about what is being thrown away in the trash system.
FILE NO. CC-16, CC-22(b) AND CC-54

f) Mark Alexander, 2319 Corbin Lane, Lodi; and Nell Reyes, 2119 Corbin Lane, Lodi, presented a letter regarding cars travelling at excessive speed along Corbin Lane and asked that the City Council look into resolving this problem. This matter was referred to the Police Department.
FILE NO. CC-16 AND CC-48(a)

g) Dave Christy, 841 Cheney Court, Lodi, questioned the City Clerk on the number of petitions she has received regarding management salaries and asked what is going to be done with them. Mr. Christy also suggested that the Economic Development Coordinator do a survey of the downtown business merchants and find out why businesses are leaving the downtown area.
FILE NO. CC-6, CC-16 AND CC-34

h) Frank Alegre, 2000 Edgewood Drive, Lodi, complained about the recent comparison that was made between Adult Sports and Lodi Lake. Mr. Alegre feels that taxpayers should not have to pay for adults to play sports and that Lodi Lake is for the youth and families of this community. Further, Mr. Alegre feels that residents should not have to pay for Hutchins Street Square, and that it should continue to be self-funded.
FILE NO. CC-6, CC-40 AND CC-56

i) Judy Peterson, 2 + 2 Pret, 15 Downtown Mall, Lodi, and LDBA Member, presented Mayor Pennino with an inflatable innertube and announced to the public that he and Members of the City Council will be taking turns in the dunk tank at the next downtown Farmers Market on September 9, 1993.

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- j) Cheryl Reinke, Citizens Watch Committee, 420 Ravenwood Way, Lodi, questioned the Mayor on the process of introducing a person wishing to speak under "Comments by the public on non-agenda items".

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 Pennino called for the Public Hearing to consider appeal from Marlo Kerner & Associates regarding the 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).

ACTION:

Pursuant to the proponent's request, the City Council, on motion of Council Member Sieglock, Mann second, unanimously continued the matter to the regular City Council meeting of October 6, 1993.

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 Mann, Snider second, unanimously rejected the following claim and referred it back to ICA:

1. Paul J. Neff, date of loss 7/20/93
FILE NO. CC-4(c)

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

1. Planning Commission Report of August 23, 1993; and
FILE NO. CC-35(c)
2. Report by Virginia Snyder, Lodi East Side Improvement Committee regarding various matters including the possibility of a curfew ordinance.
FILE NO. CC-2(s)

- c) Deanna Enright, General Manager, King Videocable Company, made a presentation regarding the recent cable changes due to the Cable Consumer Protection Act and how it will affect the public.
FILE NO. CC-22(c)

12. REGULAR CALENDAR

- a) Following discussion regarding the downtown revitalization plan, the City Council, on motion of Council Member Snider, Mann second, unanimously directed staff to begin meeting with the businesses both in the downtown area and on Cherokee Lane to come up with the next step in revitalizing downtown.
FILE NO. CC-6 AND CC-72

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Speaking on the matter were the following persons:

1. Ken Cantrell, President, Lodi Downtown Business Association (LDBA), 2334 St. Anton Drive, Lodi;
2. Ray Hirning, President, Lodi District Chamber of Commerce;
3. Dick Sanborn, President, Cherokee Lane Task Force; and
4. Frank Alegre, 2000 Edgewood Drive, Lodi.

13. RECESS

Mayor Pennino called for a ten-minute recess, and the City Council meeting reconvened at approximately 9:40 p.m.

14. REGULAR CALENDAR (CONTINUED)

- a) Following report on the golf driving range relocation, the City Council, on motion of Council Member Snider, Davenport second, unanimously directed staff and all other parties involved to look into the use of Pixley Park and/or other locations in order for Mr. Choo to have a more permanent location.

Speaking on the matter were the following persons:

1. Bob Mertz, 111 West Pine Street, Lodi (support for G-Basin location);
2. Walter White, 2141 Gateway Circle, Lodi (support);
3. Dave Stennick, 1780 Normandy Court, Lodi (support);
4. Dave Akin, representing B.O.B.S., 2350 Rockingham Circle, Lodi (support for range; however, not at G-Basin location);
5. Frank Alegre, 2000 Edgewood Drive, Lodi (support for range; however, not at G-Basin location); and
6. Max Steinheimer, 1410 Mettler Road, Lodi (support for range; however, not at G-Basin location).

FILE NO. CC-6, CC-27(b) AND CC-40

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

Pursuant to Ordinance No. 1566, the City Council, on motion of Council Member Davenport, Pennino second, voted to continue with the remainder of the meeting following the 11:00 p.m. hour by the following vote:

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

16. RECESS

Mayor Pennino called for a ten-minute recess, and the City Council meeting reconvened at approximately 11:06 p.m.

17. REGULAR CALENDAR (CONTINUED)

- a) The City Council, on motion of Council Member Snider, Mann second, introduced Ordinance No. 1585 entitled, "An Ordinance of the City Council of the City of Lodi Repealing and Reenacting Chapter 5.32 of the Lodi Municipal Code, Concerning the Licensing and Regulation of Massage Establishments and Massage Technicians" including a language change regarding "out call" massages and a change in the word "parlor" to "establishment" by the following vote:

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

Speaking in support of the matter was Donna Fields, 428 West Oak Street, Lodi.
 FILE NO. CC-6 AND CC-149

- b) Following discussion regarding the ownership and maintenance of Lower Sacramento Road fence at Towne Ranch, southwest quadrant Lower Sacramento Road at Turner Road, the City Council, on motion of Council Member Sieglock, Snider second, approved a one-time maintenance fee of \$2.75 per lineal foot and referred the matter regarding reverse frontage fence maintenance to the Planning Commission and Permit Process Review Committee for review by the following vote:

Ayes: Council Members - Davenport, Sieglock, Snider and Pennino
 (Mayor)
 Noes: Council Members - Mann
 Absent: Council Members - None
 FILE NO. CC-6

- c) The City Council, on motion of Council Member Mann, Snider second, adopted Resolution No. 93-111 approving the recommended budget adjustments for fiscal year 1993/94 including reinstatement of funds to the Chamber of Commerce, San Joaquin Partnership and LDBA and without the reclassification recommendations by the following vote:

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

FILE NO. CC-21(b) AND CC-300

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18. ORDINANCES

- a) Ordinance No. 1584 entitled, "An Ordinance of the City Council of the City of Lodi Amending Ordinance No. 1525, By Modifying Thereto Certain Electric Utility Rates Established in Municipal Code Section 13.20.280 for Class G-5 Industrial Customers" having been introduced at a regular meeting of the Lodi City Council held August 18, 1993 was brought up for passage on motion of Council Member 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 - Davenport, Mann, Sieglock, Snider and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

FILE NO. CC-51(d) AND CC-149

19. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Mann, Sieglock second, unanimously approved the plans and specifications for Public Safety Building air conditioner replacement and authorized advertising for bids.

FILE NO. CC-12.1(b)

- b) The City Council, on motion of Council Member Snider, Mann second, unanimously received Contract Change Order No. 1 and accepted the improvements under the "Oak Street Reconstruction, Pacific Avenue to Ham Lane" contract, appropriated \$13,000 from the Measure K Fund to complete the project, and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.

FILE NO. CC-90

- c) The City Council, on motion of Council Member Davenport, Snider second, unanimously adopted Resolution No. 93-107 resolution of intention to abandon the alley north of 225 South Cherokee Lane, referred the matter to the Planning Commission, and set it for public hearing at the regular Council meeting of October 6, 1993.

FILE NO. CC-52(a) AND CC-300

- d) The City Council, on motion of Council Member Davenport, Pennino second, unanimously adopted Resolution No. 93-108 resolution of intention to abandon a portion of the alley west of 245 East Vine Street, referred the matter to the Planning Commission, and set it for public hearing at the regular Council meeting of October 6, 1993.

FILE NO. CC-52(a) AND CC-300

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20. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 12:26 a.m.

ATTEST:


Jennifer M. Perrin
City Clerk