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CITY OF LODI
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 15, 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, Assistant City Engineer Prima, 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) David Bargas, winner of the Mayor's Choice Award for the Young Renaissance Art Show, was not present at the meeting; therefore, this presentation will made at the October 6, 1993 regular City Council meeting. File No. CC-2(k)
- b) Mayor Pennino presented a proclamation to Kristen Dempewolf with Ride Share for San Joaquin County and Stanislaus, and also a staff member of the San Joaquin Council of Governments, proclaiming the week of September 20 - 24, 1993 as "California Rideshare Week '93". CC-37
- c) Presentation of Resolution of Appreciation was presented to Marilyn Field, Recreation Superintendent, Lodi Parks and Recreation Department, who is retiring from the City on October 2, 1993. FILE NO CC-37
- d) Police Chief Hansen and Community Service Officer Biskup presented a check to Grace Chilcote, Block Captain of the 300 Block of Hilborn, and the Grand Prize winner of the National Night Out event held on August 3, 1993. FILE NO. CC-152
- e) Frank Sasaki, Jr. and members of the Sison Karate Club presented Certificates of Advancement to Black Belt to Lieutenant Richard Dean, Police Chief Hansen, Recreation Superintendent Field and Mayor Pennino. Further, Mr. Sasaki presented a check in the amount of \$4,810.00 to Mayor Pennino from the proceeds of its recent tournament. FILE NO.CC-6

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5. COMMENTS BY THE PUBLIC ON CONSENT CALENDAR ITEMS

- a) Cheryl Reinke, 420 Ravenwood Way, Lodi, expressed the following concerns about the minutes of September 1, 1993 (Regular Meeting): (1) Her comments regarding attorneys' fees connected with Davenport v. City of Lodi were too concise and she would like to see further information on it. She was concerned why District Attorney Phillips' comments were much longer; (2) The comment by Mr. Plath was regarding what was going through on the line and not what was being thrown away as stated in the minutes; (3) Ms. Reinke was concerned that her comment regarding the process of introducing a person wishing to speak under "Comments by the Public on non-agenda items" did not reference her association with the Citizens Watch Committee.

Council Member Davenport further echoed some of the concerns regarding the September 1, 1993 minutes as expressed by Ms. Reinke. Mr. Davenport also stated he would like to see his responses to District Attorney Phillips added to the minutes.

Following further discussion, the City Council, on motion of Council Member Sieglock, Pennino second, directed the City Clerk to note under this discussion the concerns that were expressed and to amend the September 1, 1993 minutes to reflect Ms. Reinke's association with Citizens Watch Committee by the following vote:

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

FILE NO. CC-1(b)

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6. 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 specified.

- a) Claims were approved in the amount of \$2,132,124.21.
FILE NO. CC-21(a)
- b) Agenda item #E-2 entitled, "Minutes - September 1, 1993 (Regular Meeting)" was removed from the Consent Calendar and discussed and acted upon prior to the adoption of the Consent Calendar. (Removed by Mayor Pennino due to public interest in the matter.)
- c) Adopted Resolution No. 93-112 adopting the Appropriation Spending Limit for Fiscal Year 1993-94 of \$35,697,755 and designated the factors used in calculating the Appropriation Spending Limit as: (1) the California Per Capita Income growth factor of 2.72%; and (2) the County Population Growth factor of 2.13% published by the Department of Finance, State of California on April 30, 1993.
File No. CC-21 (a) and CC-300

- d) Adopted Resolution No. 93-113 completing the Bridgetown I Reorganization, including annexation to the City of Lodi and detachment from certain districts as approved by the Local Agency Formation Commission (located at 451 East Turner Road APN 015-230-37). FILE NO. CC-8(a) AND CC-300
- e) Approved the specifications for Lane Line Painting, Various Streets, 1993, and authorized advertising for bids to be received Wednesday, September 29, 1993. FILE NO. CC-12.1 (c)
- f) Agenda item #E-6 entitled, "Acceptance of Improvements under Type II Slurry Seal, Various Streets, 1993 contract" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- g) Adopted Resolution No. 93-114 awarding the bid for purchase of fourteen concrete underground vaults, complete with lids and extension rings, to the low bidder, Utility Vault Company of Pleasanton, California in the amount of \$11,479.69. FILE NO. CC-47 AND CC-300
- h) Agenda item #E-8 entitled, "Contract award for construction of electric substructures" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- i) Agenda item #E-9 entitled, "Purchase of microcomputers for the Public Works Department under League of California Cities-sponsored L. A. County/ComputerLand Purchase Agreement" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- j) Agenda item #E-10 entitled, "Program Supplement to State-Local Transportation Partnership Program Agreement for Stockton Street Improvements, Lockeford Street to Turner Road" 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, "Program Supplement to State-Local Transportation Partnership Program Agreement for Tokay Street and Houston Lane Asphalt Overlays" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- l) Agenda item #E-12 entitled, "Approve agreements with Great Western Bank for City of Lodi's Compensation Plan" was pulled from the agenda pursuant to staff's request.
- m) Approved trial by declaration*for infractions. FILE NO. CC-21(b)

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

- a) Mayor Pennino commended the City Manager and Department Heads for the 1992/93 Budget coming in 3% below expenditures.

- b) Mayor Pennino asked the City Manager to give an update on the complaint received by George Newmarch at the August 18, 1993 City Council meeting regarding Lodi's 911 system.

City Manager Peterson played the tape recordings of Mr. Newmarch's comments at the City Council meeting and his 911 call and made responses to some of Mr. Newmarch's statements.

1. Police Chief Hansen and Record's Supervisor Wilson spoke on the 911 system, how it works, how calls are handled and what type of calls should be made to 911. FILE NO. CC-6 AND CC-152

- c) Mayor Pennino asked Police Chief Hansen to give a report regarding the Police Department's Sacramento Street program.

1. Police Chief Hansen explained the purpose of the program - to clean up Sacramento Street of the drugs, prostitution, gangs, and to enforce stronger alcohol enforcement. The sweep was a great success - there were approximately 200 arrests, many of them for prostitution and drug-related incidents.
FILE NO. CC-6 AND CC-152

- d) Council Member Davenport thanked the public for attending the meeting and encouraged more people to attend, especially the early morning Shirtsleeve Sessions. The topic for the Shirtsleeve Session that was held on September 14, 1993 was in regards to gang activities which was very informative. Mr. Davenport also stated that the Joint Meeting of the Lodi City Council and the Lodi Planning Commission that was held on September 8, 1993 was very productive, and informed the public that the sign ordinance and the downtown revitalization issues will be discussed in the near future. Mr. Davenport further questioned why the City Manager and Police Chief were behind closed doors listening to a tape of his 911 call and also complained that both the Lodi Police Department and the Lodi News Sentinel did not interview his witness in the incident which took place Saturday evening on Harold Street. Council Member Davenport questioned who authorizes the uses at the Carnegie Forum and who can utilize the building. Mr. Davenport felt that if one group is allowed to use the building, so should others who are interested in using it. Finally, Mr. Davenport commented on the budget and the Capital Improvement Program (CIP) and questioned why there was more money budgeted in the CIP than the City has.

City Manager Peterson responded to several of Council Member Davenport's concerns. FILE NO. CC-6 AND CC-21(b)

- e) Council Member Mann commended the success of Field and Fair Day and praised all of the volunteers who helped put on the function, especially Charlene Lange who is a valuable asset to the project, Hutchins Street Square and the City. Further, Mr. Mann asked for Council concurrence to direct staff to look into the matter of shopping carts scattered on Hutchins Street south of Kettleman Lane.
FILE NO. CC-6

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8. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Virginia Lahr, 311 East Elm Street, commended the Police Department on its sweep of Sacramento Street. The area residents were able to enjoy a peaceful neighborhood and Hale Park without the fear of drugs, prostitution and gang problems. FILE NO. CC-6 AND CC-152
- b) Nancy Harper, 504 Harold Street, Lodi, made comments about the incident which took place in front of her home whereby Council Member Davenport allegedly almost hit her son with his vehicle. Mrs. Harper further commended 911 and the Police Department for its quick response to her call. FILE NO. CC-6 AND CC-18
- c) Jean Davenport, 445 Almond Drive #45, Lodi, responded to Mrs. Harper's statements that they were untrue. Mr. Davenport was in the area to check on gang activities. FILE NO. CC-6 AND CC-18
- d) Virginia Rhodes, no address given, made comments regarding the statements she made at the August 18, 1993 meeting regarding the District Attorney. Ms. Rhodes had since that time scheduled an appointment with the District Attorney to discuss the charges filed against her, and District Attorney Phillips refused to meet with her. Ms. Rhodes also learned that there were no forms filed against her and questioned the reason for that.

City Attorney McNatt responded that the District Attorney acts independently and he does not know why the forms were not filed.
FILE NO. CC-6 AND CC-18
- e) Tom Preszler, 530 North Calaveras, Lodi, commented on the politics and "power brokers" of Lodi and spoke of a particular law firm in Lodi that is allegedly involved in all facets of government. Mr. Preszler urged the public to keep an eye on what is going on in Lodi.
FILE NO. CC-6 AND CC-18
- f) Arthur Price, 1053 Port Chelsea, Lodi, responded to comments by both Ms. Rhodes and Mr. Preszler.
- g) John Griffin, 783 Palm, Lodi, who worked with the summer swim league commended Mike Reese, Parks Supervisor, and the Parks and Recreation staff for the opportunity to assist with this excellent program and further thanked the parents of the participating kids, the referees, coaches and the many volunteers. Mr. Griffin invited the City Council and the public to attend a pancake breakfast and swim meet sponsored by the Lodi City Swim Club this weekend at Tokay High School. FILE NO. CC-40
- h) Cheryl Reinke, 420 Ravenwood Way, Lodi, responded to earlier statements made by Mrs. Harper and stated that she noticed that Mrs. Harper corrected the mistake she made in her police report.
FILE NO. CC-6 AND CC-18
- i) Terry Wisdom, 19690 Highway 99, Acampo, stated his opposition to the non-resident fees as discussed by the Parks and Recreation Commission at its last meeting. This matter will be discussed by the City Council in the near future and the City Clerk was directed to mail an agenda to him. FILE NO CC-40 AND CC-56

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9. 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 weed abatement proceedings involving various parcels within the City of Lodi to allow property owners having objections to the proposed removal of weeds to be heard and given due consideration.

Hearing Opened To The Public

There being no one wishing to speak on the matter, the public portion of the hearing was closed.

ACTION:

The City Council, on motion of Council Member Snider, Davenport second, unanimously adopted Resolution No. 93-118 overruling objections and proceeding with weed abatement on one property.
FILE NO. CC-24(b)

10. RECESS

Mayor Pennino called for a ten-minute recess and the City Council meeting reconvened at approximately 9:15 p.m.

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

- 1. Viola R. Racer, date of loss 8/11/93
- 2. Connie Wright, date of loss 7/3/93

(Note: The verified claim for Pamela Mason, date of loss 6/93, had been settled, and was, therefore, removed from the agenda.)
FILE NO. CC-4 (c)

- b) On motion of Council Member Sieglock, Mann second, the City Council unanimously directed the City Clerk to post for the vacancy on the East Side Improvement Committee (vacated by Raena Wright).
FILE NO. CC-2 (s)

- c) Following receipt of letter from Louis Bava Fugazi requesting permit to operate a hot dog cart on School Street at the site of the downtown post office, the City Council, on motion of Council Member Sieglock, Mann second, unanimously set this request for the October 6, 1993 regular City Council meeting. In addition to this request, the City Council will discuss the ordinance in regards to this matter.
FILE NO. CC-6 AND CC-500

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- d) Following receipt of letter of appeal received from Steven J. Cottrell, Attorney, on behalf of Maurice O. Ray, regarding Notice of Public Nuisance and Order to Abate on the property located at 1201 North Edgewood Drive, the City Council, on motion of Mayor Pennino, Sieglock second, unanimously set the matter for public hearing for October 20, 1993. FILE NO. CC-53(b)

12. REGULAR CALENDAR

- a) The City Council, on motion of Council Member Mann, Snider second, approved the feasibility study with Wenell Mattheis Bowe, City staff and Argus McDonald & Associates to be prepared to address the potential of the Minton Building on Beckman Road as a community center facility and funding sources in the industrial track area and appropriated \$20,000 for the project from the development impact fee fund 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 were the following persons:

1. Bob Johnson, Chairman, Lodi Parks and Recreation Commission (presented a report on the matter); and
2. Terry Wisdom, 19690 Highway 99, Acampo, commented on the high costs of heating and cooling the building. FILE NO. CC-6

- b) The City Council, on motion of Mann, Sieglock second, unanimously adopted Resolution No. 93-119 rejecting all bids and authorizing the City of Lodi to purchase stock computer paper under the terms of the contract between the County of San Joaquin and Shade/Allied, Inc. of Benecia.

Further, the City Council, on motion of Council Member Snider, Sieglock second, unanimously directed staff to bring the matter regarding the purchase of office supplies back to the City Council at the meeting of October 6, 1993. FILE NO. CC-12(b), CC-90 AND CC-300

- c) The City Council, on motion of Council Member Davenport, Mann second, unanimously introduced Ordinance No. 1586 amending Lodi Municipal Code Section 10.56.020 as it relates to the removal of abandoned vehicles. FILE NO. CC-6 AND CC-149
- d) The City Council, on motion of Mayor Pennino, Davenport second, unanimously approved the plans and specifications for administration of the Flexible Spending Account and authorized advertising for bids. FILE NO. CC-12.1(c) AND CC-34
- e) The City Council, on motion of Council Member Snider, Mann second, unanimously designated Mayor Pennino as the Voting Delegate and Council Member Snider as the Voting Alternate to represent the City of Lodi at the League of California Cities Annual Conference Business Session to be held in San Francisco. FILE NO. CC-7(i)

13. ORDINANCES

- a) 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" having been introduced at a regular meeting of the Lodi City Council held September 1, 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-6 AND CC-149

14. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Davenport, Snider second, unanimously accepted the improvements for Type II Slurry Seal, Various City Streets, 1993 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, Mann second, unanimously adopted Resolution No. 93-115 awarding the bid for construction of electric substructures to the low bidder, George Reed, Inc. of Lodi, in the amount of \$12,760.00.
FILE NO. CC-12(d) AND CC-300
- c) The City Council, on motion of Council Member Snider, Mann second, authorized the purchase of two network-ready Hewlett-Packard microcomputers, for use in the Public Works Department's Engineering Division, from ComputerLand Corporation, under terms of the Los Angeles County/ComputerLand Master Purchase Agreement, in the amount of \$9,996.79. FILE NO. CC-47
- d) The City Council, on motion of Council Member Snider, Davenport second, unanimously took the following actions:
1. Adopted Resolution No. 93-116 approving Program Supplement #6 to State-Local Transportation Partnership Program Agreement #SLTPP-5154 covering the street improvements to Stockton Street, Lockeford Street to Turner Road, and appropriated \$48,450 from State-Local Partnership Program Fund to help fund this work; and
 2. Adopted Resolution No. 93-117 approving Program Supplement #5 to the State-Local transportation Partnership Program Agreement #SLTPP-5154 covering the asphalt pavement overlays on Tokay Street, Fairmont Avenue to Hutchins Street, and Houston Lane, Pine Street to Victor Road, appropriated \$20,309 from the SLTPP Fund and \$75,000 from the TDA Fund to cover this work.
FILE NO. CC-48(a) AND CC-90

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15. CLOSED SESSION

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

- a) Proposed litigation - City of Lodi v. Central California Traction Company (CCTC) FILE NO. CC-200(d)

The City Council reconvened at approximately 10:56 p.m.

16. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 10:56 p.m.

ATTEST:


Jennifer M. Perrin
City Clerk