

CITY OF LODI
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 3, 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 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) A presentation of City of Lodi pins was made by Virginia Snyder, Chairperson, East Side Improvement Committee, and Mayor Pennino to the volunteers and participants of the East Side Clean Up Week. Over 200 tons of garbage was removed from the east side and thanks were given to California Waste who donated the dumpsters, the Public Works Street Superintendent who made sure the street sweepers kept the area clean, San Joaquin County Supervisor George Barber who arranged for free dumping at the County landfill and many others who donated their valuable time to this effort.
FILE NO. CC-2(s)

b) A presentation was made by Dennis Bennett of the Old Lodi Union High School Site Foundation regarding public funding for the completion of Hutchins Street Square. This matter will be brought back on the City Council agenda of December 1, 1993 to present a proposal for the completion of Hutchins Street Square.
FILE NO. CC-27(e)

5. CONSENT CALENDAR

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

a) Claims were approved in the amount of \$3,639,482.09.
FILE NO. CC-21(a)

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Continued November 3, 1993

- b) The Minutes of October 20, 1993 (Regular Meeting) were approved as written.
- c) Agenda item #E-3 entitled, "Advertisement for bids for sale of surplus electrical power equipment" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- d) Agenda item #E-4 entitled, "Request for proposals - Lodi Lake soil removal" 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.)
- e) Agenda item #E-5 entitled, "Report on San Joaquin Station Study" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- d) Agenda item #E-6 entitled, "Consider repealing Ordinance No. 854 establishing building set back lines on South Stockton Street within the incorporated limits of City of Lodi between Kettleman Lane and Harney Lane" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)

6. ACTION ON CONSENT CALENDAR #E-4

- a) The City Council, on motion of Council Member Sieglock, Snider second, unanimously approved the request for proposals on the removal of soil at Lodi Lake and authorized advertising for bids.

Speaking in support of the matter was Frank Alegre, 2000 Edgewood Drive, Lodi.

FILE NO. CC-12.1(c) AND CC-27(c)

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

- a) Mayor Pennino announced that on Saturday, November 6, 1993 at 9:00 a.m. to 12:00 p.m. the Lodi/Tokay Band Review will be held with approximately 60 bands participating. The band route begins at Lodi High School and ends at Graves Park at St. Peters Church, and at 4:30 there will be a band performance at the Grape Bowl.

Mayor Pennino also commented that since August the City and businesses have been working hard to revitalize the downtown, and on August 5th a Downtown Revitalization Symposium was held, and on November 2, 1993 a Cherokee Lane Downtown Revitalization Symposium was held. Mayor Pennino requested that an item be placed on the agenda of November 17, 1993, to direct staff to work with the firm of Freedman, Tung & Bottomley, to develop a scope of work and cost estimate for the preparation of a plan of goals and objectives for accomplishing the downtown revitalization.

Mayor Pennino also mentioned that on November 10, 1993 at the Carnegie Forum, the City of Lodi is hosting a Town Hall meeting to discuss the revitalization of the downtown as well as Cherokee Lane. Mayor Pennino encouraged property owners, business owners and any other interested parties to attend and learn about the options now under consideration, not only by the City of Lodi and the Lodi Downtown Business Association, but also by the Chamber of Commerce. The meeting will be an open discussion format.

Mayor Pennino called upon Virginia Snyder, Chairperson of the Lodi East side Improvement Committee, to introduce Supervisor George Barber. Virginia Snyder thanked Supervisor Barber for arranging for free dumping of 200 tons of trash at the County Landfill during the East side Cleanup Week. Mayor Pennino then presented Mr. Barber with a City of Lodi pin.
FILE NO. CC-2(s), CC-6, CC-72 AND CC-400

- b) Council Member Mann reported that he received a telephone call from a citizen who took exception to the billboard that has been placed on Turner Road at Lodi Lake for approximately two months, and indicated that he too was offended by it. He requested that the Mayor write a letter to National Billboard Company and to the advertiser, Rock 104 in Modesto, advising them that we object to the billboards content and to remove it. Council Member Mann asked the public to also launch a campaign against it by calling and writing the radio station and billboard company and to let them know that Lodi objects to this type of advertisement.

City Manager Peterson commented that he has had calls and visitors in his office who have objected to the billboard and that he has contacted the local manager of 3M, which is the sign company, who responded that they only rent the space. The calls to the radio station have gone unanswered.

Council Member Mann also questioned whether or not Lodi had sent any firemen to the fire in Southern California. City Manager Peterson indicated that one Engine Company, consisting of one Strike Leader and three firefighters were dispatched to Malibu on Tuesday, November 2, 1993. Council Member Mann commented that he just wanted to acknowledge that Lodi is doing its part to assist in these devastating fires.
FILE NO. CC-6 AND CC-16

- c) Council Member Davenport thanked everyone for coming to the meeting and encouraged more people to attend the Shirtsleeve Sessions which are held on Tuesday mornings. Council Member Davenport mentioned that the last two Shirtsleeve Meetings have been on the Capital Improvement Project and that the Council needs public input so that the public can set priorities on what they think needs to be done in our City. Mr. Davenport further commented on the following matters: (1) Publicly thanked everyone who supported him throughout the recall attempt and commented that he will continue to work for all of the citizens of Lodi; (2) He still has not received copies of the grievances; (3) Requested copies of receipts for Impact Mitigation Fees for Walmart, and copies of window receipts and cashier's daily reports and deposit slips showing the bank and date deposited; (4)

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Received a complaint regarding Great Western Deferred Compensation; (5) Received a call from a citizen in Woodbridge stating that the City of Lodi's water patrol was in Woodbridge and asked if they were out of their jurisdiction; (6) Received some objections and suggestions regarding paying \$1.00 on electric utility bills and earmarking those funds for the enforcement of the ugly ordinance and for crime prevention; and (7) Acknowledged that the East Side Cleanup Week was a success and that only one complaint regarding a dumpster being placed in front of a citizen's house was received.

City Manager Peterson mentioned that the staff will be meeting with the Lodi East side Improvement Committee specifically on staffing enforcement of the Ugly Ordinance.

FILE NO. CC-2(s), CC-6, CC-18, CC-34 AND CC-183(d)

- d) Council Member Sieglock commented on the following items: (1) That the San Joaquin County Council of Governments (COG) recently adopted a Regional Transportation Plan, and recommended that a COG representative come before the City Council and make a presentation regarding the Plan. Mr. Sieglock also commented that the transportation links between cities in San Joaquin County are being expanded, and he would like to find out how the City of Lodi will be impacted; (2) Commended Lodi Police Department Officers' Joe, Foster, Moore, Ramirez, Barry, and other officers whose names were not known, regarding a letter received from Mrs. Len Pavao thanking them for their help and consideration in dealing with her daughter that was above and beyond the call of duty; (3) Stated that it is an extremely exciting time for the City in regard to the Downtown and Cherokee Lane Revitalization efforts, and further stated that this will not happen overnight, and that the citizens of Lodi will need to commit to this effort to revitalize the downtown and upgrade Cherokee Lane. If no commitment is made there will be no reason to put money into the revitalization. Council Member Sieglock also stated that the Downtown and Cherokee Lane Revitalization efforts would not be a Council driven project, and that the citizens of Lodi will meet on Wednesday, November 10, 1993 at the Carnegie Forum to discuss this matter.

FILE NO. CC-6, CC-50(a), CC-72, CC-152 AND CC-400

- e) Mayor Pennino commented that the San Joaquin Council of Governments did approve a Transit Plan of Action for a Countywide transit system, and the City will contract service from a third party or keep it in house.

FILE NO. CC-50(a)

8. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) John Mattos, 944 South Stockton Street, Lodi, thanked the City Council and staff for the installation of signs prohibiting the running of truck engines during specified hours. Mr. Mattos stated that the trucks are not running their reefers or engines anymore. Also commented that he thought the article about Mr. Alegre in the Stockton Record was very nice.

FILE NO. CC-6 AND CC-48(e)

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- b) Ken Cantrell, President of the Lodi Downtown Business Association, commented that there is talk around town regarding increased business license fees. Mr. Cantrell indicated that several of the downtown business owners were present, and that at the Monday night meeting of the Lodi Downtown Business Association they tried to come up with viable ways of raising revenue to improve the business climate of Lodi. He also commented that when fees are raised, they should benefit the business community that pays the fees and indicated that the Lodi Downtown Business Association passed a simple Resolution regarding the business license fees. Mr. Cantrell continued to say that seeing what the East side Improvement Committee has done is a fine example of what we would like to continue doing to improve Lodi.

Mayor Pennino mentioned that the topic of business license fee increase would be on the December 1, 1993 agenda.
FILE NO. CC-6 AND CC-56

- c) George Newmarch, no address given, commented that it is important that the citizens speak with their elected officials and that in the next city election the citizens need to elect individuals who will listen. He commented that he was extremely happy that the recall effort failed and that the Lodi citizens have reaffirmed their trust in Council Member Davenport. Mr. Newmarch commented that he estimates the cost to the County for verification of the signatures is \$7,000.00, and questioned that if the City is billed, will the City then bill the proponents of the recall?

City Attorney McNatt responded by stating that there are no provisions for proponents to repay the \$7,000.00.
FILE NO. CC-6 AND CC-18

- d) Frank Alegre, 2000 Edgewood Drive, Lodi, commented that the project to deepen Lodi Lake does need to be done. He also commented that the City needs to drain the lake because of the puddles and to get rid of the ducks.

Mr. Alegre further commented on the disastrous fire in Los Angeles that there is the army, navy and marines, and questioned why the government does not use the people we are already paying who have the best equipment to do the job. Mr. Alegre commented that Congressman Richard Pombo and Gary Condit have introduced a bill that would disallow the Federal government to place mandates on local government without providing the funding. Mr. Alegre urged everyone to call upon their representatives regarding this bill.
FILE NO. CC-6 AND CC-27(c)

- e) Dave Hinchman, 1131 South Pleasant Avenue, Lodi, representing the Northern California Pool Owners Organization, thanked the City and staff for chlorinating City water and stated that pool owners have not had to chlorinate their pools for the past two weeks. Mr. Hinchman further presented the Council and staff members with pool passes.

Public Works Director Ronsko thanked the public for putting up with the chlorination and reported that the chlorination was stopped on November 1, 1993, and felt that it went very well.

FILE NO. CC-183(a)

- f) Rita Rott, 923 Sylvia Drive, Lodi, informed the City Council that Cub Scout Pack #245 was at the meeting earlier to observe the Council meeting.

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 adoption of Capital Improvement Program (CIP).

Hearing Opened To The Public

1. Cheryl Reinke, 420 Ravenwood Way, Lodi, spoke regarding the Americans with Disabilities Act (ADA) requirements for the remodel of City Hall and requested a copy of the plan with just those (ADA) requirements;
2. Frank Alegre, 2000 Edgewood Drive, Lodi, spoke regarding the funding of various projects;
3. Virginia Lahr, 311 East Elm Street, Lodi, spoke regarding Proposition 172 (sales tax) and questioned what the City's portion of funds will be used for that are earmarked for public safety. She also commented that the Hale Park building and parking lot were not included in the CIP;
4. Brian Stamos, 1935 Carmel Drive, Lodi, spoke on the prioritization of CIP projects; and
5. Jean Davenport, 445 Almond Drive #45, Lodi, commented on Shirtsleeve Sessions being informal.

Public Portion Of Hearing Closed

Council Member Davenport stated for the record that he was not in favor of remodeling City Hall.

Mayor Pennino further broke down the funding sources for the Capital Improvement Program, and pointed out that only \$153,000 will come out of the City's General Fund.

ACTION:

Council Member Davenport made a motion to table the Capital Improvement Program for two weeks. The motion died for lack of a second.

The City Council, on motion of Council Member Snider, Pennino second, adopted Resolution No. 93-134 approving the 1993/94 Capital Improvement Program (CIP) with the understanding that projects regarding dibromochloropropane (DBCP) treatment would be brought back before the City Council for approval by the following vote:

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

FILE NO. CC-15, CC-21(b) AND CC-300

10. RECESS

Mayor Pennino called for a ten-minute recess and the City Council meeting reconvened at approximately 9:27 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. Rosemary Cueto, date of loss 4/7/93
2. Paul and Chris Tsampis, date of loss 11/5/92
FILE NO. CC-4(c)

b) City Manager Peterson read the following ABC License:

1. Mary E. and Orville C. Overton, Mountain Mike's Pizza, 550 South Cherokee Lane, Lodi, On Sale Beer and Wine Eating Place, Original License.
FILE NO. CC-7(f)

c) The following reports were presented to the City Council:

1. Planning Commission Report of October 25, 1993; and
FILE NO. CC-35(c)
2. Report by Dee Porter, Chairperson, Gang Alternative Project.
FILE NO. CC-2(q)

d) The City Council, on motion of Mayor Pennino, Mann second, unanimously directed the City Clerk to post for the following vacancy on the East Side Improvement Committee:

EAST SIDE IMPROVEMENT COMMITTEE

Lorrie King

FILE NO. CC-2(s)

- e) Following receipt of a letter from Darlene E. Ruiz on behalf of Jack Alquist, operator of Guild Cleaners, seeking a pronouncement of the City Council finding that no public health emergency exists involving the existence of PCE and TCE found in the ground water basin underlying the City of Lodi, the City Council directed that this matter be brought back on the agenda for the City Council meeting of November 17, 1993.
FILE NO. CC-16 AND CC-183(a)
- f) City Manager Peterson read a letter that the City Clerk's office received from George Cunningham, Registrar of Voters, informing of the insufficiency of the recall petition against Council Member Davenport.
FILE NO. CC-6 AND CC-18

12. REGULAR CALENDAR

- a) The City Council, on motion of Council Member Davenport, Snider second, unanimously allowed public comments on the matter regarding Resolution/Order to Vacate the alley west of Washington Street from East Vine Street to 105.3 feet north of East Vine Street due to the fact that the public portion of this hearing was closed at the regular City Council meeting of October 20, 1993.

Further, the City Council, on motion Council Member Davenport, Snider second, unanimously adopted Resolution No. 93-135 a Resolution/Order to Vacate the alley west of Washington Street from East Vine Street to 93.68 feet north of East Vine Street per the signed agreement between Mr. Hrovat and the Providence Reformed Church.

Speaking on the matter were the following persons:

- 1. Bill Hrovat, 1556 Iris Drive, Lodi, spoke regarding the agreement between himself and Providence Reformed Church; and
 - 2. Jerry DeYoung, Deacon at Providence Reformed Church, 245 East Vine Street, Lodi, referred to a letter of support he read at the City Council meeting of October 20, 1993 from Eric Straub, property owner of parcel #30.
FILE NO. CC-45(a), CC-52(a) AND CC-300
- b) The City Council, on motion of Council Member Davenport, Snider second, unanimously approved the specifications for maintenance and repair services for all City-owned radio communications equipment and authorized the Purchasing Agent to request proposals for such work on Tuesday, November 30, 1993.

Speaking in support of the matter was Frank Alegre, 2000 Edgewood Drive, Lodi.

FILE NO. CC-12.1(c)

- c) The City Council, on motion of Council Member Snider, Sieglock second, unanimously approved the support of special events committee for Lodi Lake events with the understanding that the committee would be on its own if it were no longer a non-profit organization and that the final agreement come back to the City Council for approval.

Speaking on the matter were the following persons:

- 1. Bob Carruesco, GAMUT Productions, 1132 North Hunter Street, Stockton, provided a report on the matter; and
- 2. Frank Alegre, 2000 Edgewood Drive, Lodi, questioned the parking for these special events.
FILE NO. CC-2(a) AND CC-40

- d) The City Council, on motion of Council Member Snider, Sieglock second, unanimously approved the formation and guidelines of the City-wide Efficiency Study with the exclusion of the stipend that was to be paid to each Committee member.
FILE NO. CC-2(a)

13. MEETING TO CONTINUE FOLLOWING 11 P.M. HOUR

Pursuant to Ordinance No. 1566, the City Council, on motion of Council Member Sieglock, Mann second, determined it would continue with the remainder of the meeting following the 11 p.m. hour by the following vote:

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

14. REGULAR CALENDAR (CONT'D)

- a) The City Council, on motion of Council Member Snider, Mann second, adopted Resolution No. 93-136 authorizing the San Joaquin County Auditor-Controller to apportion property tax revenues due the City of Lodi in accordance with the provisions of the Teeter Plan by the following vote:

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

FILE NO. CC-6, CC-177 AND CC-300

- b) City Attorney McNatt gave his opinion that the motion taken at the October 6, 1993 City Council meeting that directed the City Attorney to research policies and rules for Council conduct and to return to the City Council with information for discussion and possible action complied with the law. Mr. McNatt further presented the City Council with two options:

- 1. Stand by the action and allow the newspaper to go forward with the lawsuit to determine whether or not the Brown Act was violated; or
- 2. Utilize the language in the Brown Act to cure the alleged violation by rescinding the vote taken on October 6, 1993.

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Mr. McNatt recommended that due to limited staffing in the City Attorney's office and the time and money that would be spent on a possible lawsuit, the City Council rescind its October 6, 1993 motion.

Therefore, the City Council, on motion of Council Member Snider, Sieglock second, rescinded its motion of October 6, 1993 whereby the City Council directed the City Attorney to research policies and rules for Council conduct and to return to the City Council with information for discussion and possible action by the following vote:

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

Further, pursuant to Section 2.04.180 of the Lodi Municipal Code, Mayor Pennino directed the City Attorney to research policies and rules for Council conduct and to return to the City Council with information for discussion and possible action.
FILE NO. CC-6

15. ORDINANCES

None.

16. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

a) The City Council, on motion of Council Member Davenport, Sieglock second, unanimously authorized advertisement for bids for the sale of a surplus power transformer/regulator combination and two surplus power circuit breakers stored at McLane Substation, as is and where is.

Further, Council Member Davenport requested that the City Attorney review a letter received from a vendor who did not follow through on a \$28,000 offer to see if the City has any legal recourse.
FILE NO. CC-20 AND CC-47

b) The City Council, on motion of Council Member Snider, Sieglock second, unanimously accepted a report regarding the San Joaquin Station Study.
FILE NO. CC-50(a)

c) The City Council, on motion of Council Member Sieglock, Snider second, unanimously introduced Ordinance No. 1587 establishing Building Setback Lines on South Stockton Street within the incorporated limits of the City of Lodi between Kettleman Lane and Harney Lane.
FILE NO. CC-53(c) AND CC-149

17. CLOSED SESSION

Mayor Pennino informed the City Council and the public that there was no need for a Closed Session.

Continued November 3, 1993

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18. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 11:46 p.m.

ATTEST:

Peggy Nicolini
Peggy Nicolini
Deputy City Clerk