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CITY OF LODI
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 17, 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 Lee Hamby, Temple Baptist 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 Paula Soto and Tony Castellon of the Lodi Community Service Center announcing the kickoff of this year's "Mayor's Annual Holiday Child Share Program". Barrels will be placed around the City of Lodi collecting donations, and anyone interested is encouraged to call the Lodi Community Service Center at 331-7516. Further, Mayor Pennino presented an art set as a donation to the program.
FILE NO. CC-37

b) Mayor Pennino presented the Parks and Recreation Commission with the Outstanding Board-Commission Award which it received October 23, 1993 from the National Recreation and Parks Association.
FILE NO. CC-2(h)

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5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$1,366,850.38.
FILE NO. CC-21(a)
- b) The Minutes of November 3, 1993 (Regular Meeting) were approved as written.
- c) Adopted Resolution No. 93-148 accepting the development improvements for Towne Ranch, Unit 1, Tract No. 2050.
FILE NO. CC-46, CC-300

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Continued November 17, 1993

- d) Accepted the improvements under the "Eastside Lighting Program" contract and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.
FILE NO. CC-90
- e) Accepted the improvements under the "Asphalt Pavement Overlays, Tokay Street, Church Street to Fairmont Avenue, and Houston Lane, Pine Street to Victor 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) Adopted Resolution No. 93-137 approving the purchase of a portable tow type sweeper for the Street Division from Edward R. Bacon Company, Inc. of Sacramento, California, the low bidder, in the amount of \$7,797.87.
FILE NO. CC-47, CC-20, CC-300
- g) Adopted Resolution No. 93-138 authorizing the purchase of one 1200 KVAR capacitor bank and four controllers to the low bidders in each category, as follows:

Bidder	Item	Price Incl. Tax
G. E. Supply, Co. Sacramento	1200 KVAR Capacitor Bank	\$3,601.01
Excel Electrical Supply Sacramento	Controllers (4)	<u>\$3,870.38</u>
	Total	\$7,471.39

FILE NO. CC-47, CC-20, CC-300

- h) Adopted Resolution No. 93-139 awarding the bid for the purchase of 33 Class 3 wood utility poles to the low bidder, North Pacific Lumber Company of Portland, Oregon, in the amount of \$12,083.09.
FILE NO. CC-12(d), CC-300
- i) Agenda item #E-9 entitled, "Renewal of Insurance Consulting Associates (ICA) administration service 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, "Approve contract with Western States Administrators to administer Flexible Spending Account Plan" was removed from the Consent Calendar and discussed following the adoption of the Consent Calendar. (Removed by Mayor Pennino due to public interest.)
- k) Agenda item #E-11 entitled, "Approve reclassification of one Engineering Technician I/II position to Senior Engineering Technician" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)

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- l) Agenda item #E-12 entitled, "Approve reorganization and reallocation of one Personnel Technician to Administrative Clerk II" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- m) Set public hearings for December 15, 1993 at 10:00 a.m. and 7:00 p.m. regarding unmet transit needs.
FILE NO. CC-50(b)
- n) Authorized free Dial-A-Ride service on New Year's Eve from 7:00 p.m. to 3:00 a.m.
FILE NO. CC-50(b)

6. ACTION ON CONSENT CALENDAR ITEM #E-10

The City Council, on motion of Council Member Davenport, Mann second, unanimously approved the contract to authorize Western States Administrators to administer the Flexible Spending Account Plan.

Speaking on the matter was Dave Baxter, American Family Life Insurance (AFLIC), Columbus, Georgia, whose company had submitted a proposal (opposed to Western States proposal).
FILE NO. CC-90, CC-300, CC-34

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

a) Council Member Mann complimented Rock 104 for removing its offensive billboard on Turner Road. Mayor Pennino informed Council Member Mann that it appears that the billboard has been moved to Lodi Avenue. Council Member Mann then withdrew his compliment to the radio station.
FILE NO. CC-6

b) Council Member Sieglock informed the public that the City is accepting applications for the City-Wide Efficiency Study Committee and encouraged the public to apply by the deadline of Friday, November 19, 1993. Anyone interested should contact the City Clerk's office at 333-6702.

Further, Council Member Sieglock pointed out that the anti-loitering ordinance was on the agenda for adoption and commended the Lodi Academy and Tokay High schools for taking the time to review the ordinance and recognizing that it is a good thing.
FILE NO. CC-2(a), CC-6

c) Council Member Davenport encouraged more people to attend the Shirtsleeve Sessions on Tuesday mornings and suggested the possibility of changing the morning meetings to evening meetings. Council Member Davenport further commented on the following matters: (1) He recently attended the Leadership Lodi graduation and had the opportunity to greet Mayor Serna from Sacramento and encouraged the graduates of this program to attend the Council meetings; (2)

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Attention still needs to be given to the gang situation; (3) Received a complaint regarding a blind intersection at Harney Lane and Stockton Street, which is a County-maintained area, and encouraged people to contact County Supervisor George Barber; (4) Again requested information on grievances and Walmart impact fees; (5) Suggested that a letter of appreciation be sent to Perfecto Munoz for the time he served on the Gang Alternative Project (GAP); (6) Informed the citizen who complained about an offensive sign displayed at City Hall that the matter had been resolved; (7) Informed the public that the City Council will be discussing Administrative Leave, overtime and bidding procedures at a future Council meeting; (8) Commented that he feels the budget is not balanced and that it is being worked on; (9) Informed the public that negotiations are currently in process with the International Brotherhood of Electrical Workers (IBEW) unit; (10) Sent his best wishes to Captain Jerry Adams of the Lodi Police Department who is home recovering from an illness; (11) Informed the public that on December 1, 1993 the Lodi City Council will be reorganizing, appointing a new Mayor and Mayor Pro Tempore; (12) Suggested that a phone number be set up so that citizens may call with suggestions on reducing waste in the City which may help with the efficiency study; (13) Commented that SMUD has done away with its radios in their vehicles, and is instead using cellular phones at a cheaper rate which the City should look into; (14) Suggested that standards be set on employee evaluations; (15) Informed the public that at the Shirtsleeve Session of November 23, 1993, the City Council will be discussing mission statements of the various City departments and the City Council; and (16) briefly commented on the North American Free Trade Agreement (NAFTA).
FILE NO. CC-6, 2(q), 21(b)

d) Mayor Pennino asked the City Manager to forward Council Member Davenport the information that the City Council received a couple years ago from the County regarding the intersection at Stockton Street and Harney Lane. Mr. Pennino also informed Council Member Davenport that a letter had gone to Perfecto Munoz thanking him for his time and efforts on the Gang Alternative Project (GAP). Further, Mayor Pennino informed the public that four of the five Council Members have voice mail, and he encouraged people to give their input by calling in.
FILE NO. CC-6, 2(q)

e) Council Member Davenport informed the public that he does not have voice mail at the City; however, he encouraged citizens to contact him at home or at his business. The number can be found by calling the City Clerk's office at 333-6702.

8. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

a) Les Dabritz, Lodi District Chamber of Commerce, stated that the Chamber would be willing to place a barrel in front of its business for the Mayor's Annual Child Share Program. Further, Mr. Dabritz invited the City Council and the citizens of Lodi to attend a breakfast it is hosting at the Tokay Bowl with Assemblyman Larry

Bowler. Tickets are \$10 for Chamber members and \$12 for non-members. Anyone interested is encouraged to contact the Chamber of Commerce at 367-7840.

FILE NO. CC-7(k)

b) Naomi McCallum Carey, 402 West Oak Street, Lodi, presented the City Council with a book by Ms. Carey entitled, "Mountain Men to Astronauts, A History of Lodi". The publication is a reprint from the original centennial publication and is on sale at local bookstores. Ms. Carey requested a proclamation to celebrate August 25, 1994 as the 125 Anniversary of the founding of Lodi.

FILE NO. CC-121

c) George Newmarch, no address given, requested that the City Council look into changing the day that the City Council meetings are held. Wednesdays preclude some of the local pastors from attending because of church services. Mr. Newmarch suggested that a survey be done with the local citizens asking which days are better to conduct such meetings.

FILE NO. CC-6, CC-16

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 Helmle Reorganization, including annexation to the City of Lodi and detachment from certain districts as approved by the Local Agency Formation Commission (bounded by the Woodbridge Irrigation District Canal on the north and east, Kettleman Lane--State Route 12--on the south and Lower Sacramento Road on the west).

Due to a possible conflict of interest in the matter, Council Member Snider abstained from discussion and voting on this matter.

Hearing Opened To The Public

1. Jeff Kirst, 109 River Meadows Drive, Lodi (support).

Public Portion Of Hearing Closed

ACTION:

The City Council, on motion of Council Member Sieglock, Davenport second, adopted Resolution No. 93-144 ordering the Helmle Reorganization, including annexation to the City of Lodi and detachment from certain districts as approved by LAFCO (bounded by the Woodbridge Irrigation Canal on the north and east; Kettleman Lane--State Route 12--on the south and Lower Sacramento Road on the west) by the following vote:

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

FILE NO. CC-8(a), CC-300

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 Council Member Mann, Pennino second, rejected the following claims and referred them back to ICA:

1. California Smokehouse Foods, date of loss 9/3/93
2. Menelaos Mamoulelis, date of loss 9/4/93
3. JoAnn M. Sgambati, date of loss 10/14/92
4. Ben T. Sutton, date of loss 10/20/93
5. Joseph Ventura, date of loss 10/15/93

The claim regarding Barbara Brown, date of loss 9/10/93, had been settled, and there was, therefore, no need to reject this verified claim.

FILE NO. CC-4(c)

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

1. Planning Commission Report of November 8, 1993
FILE NO. CC-35(c)

c) The City Council, on motion of Council Member Snider, Davenport second, unanimously made the following appointments to various boards and commissions:

EAST SIDE IMPROVEMENT COMMITTEE

Rita Rott

GANG ALTERNATIVE PROJECT

Ramona Gonzalez

Arnold Urbina

James D. Martin

GREATER LODI AREA YOUTH COMMISSION

Patsy Gorczyca

Dennis Cunningham

DEFERRED COMPENSATION COMMITTEE

Al Smatsky

FILE NO. CC-2(s), 2(q), 2(t), 2(a)

11. REGULAR CALENDAR

- a) The City Council, on motion of Council Member Snider, Mann second, unanimously adopted Resolution No. 93-145 Resolution/Order Vacating the alley north of east Lodi Avenue from Cherokee Lane to 280 feet west of Cherokee Lane.

Speaking on the matter were the following persons:

1. Arthur Veil, 11662 North Ham Lane #39, Lodi (support); and
2. Sheryll Salsedo, 542 East Walnut, Lodi, owner of property #29 (support).

FILE NO. CC-45(a), CC-52(a), CC-300

- b) The City Council, on motion of Council Member Mann, Pennino second, unanimously authorized and directed staff to prepare a scope of work and cost estimate with the urban planning firm of Freedman, Tung and Bottomley (FTB) for Downtown Revitalization and Cherokee Lane Improvement projects.

Speaking on the matter were the following persons:

1. Ray Hirning, on behalf of the Lodi District Chamber of Commerce, 237 Mission Street, Lodi (support);
2. Eileen St. Yves, 310 South Orange Street, Lodi (support);
3. Fred Reynolds, 2526 Parkwest Drive, Lodi (support);
4. Ken Cantrell, 2334 St. Anton Drive, Lodi (support);
5. Frank H. Winston, 118 North Cherokee Lane, General Manager of the Comfort Inn, (support; however, not in favor of sole supplier);
6. Lou Fugazi, 945 Greenwood Drive, Lodi (support; however, concerned about people losing jobs which would not bring customers to downtown); and

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7. Rita Rott, 932 Sylvia Drive, Lodi (support, and urged the City Council not to overlook the east side area).

Phone calls of support had also been received earlier from Schaffer, Suess & Boyd and JCPenney building owners, Mr. and Mrs. Morgan White.
FILE NO. CC-72, CC-400, CC-90, CC-6

12. RECESS

Mayor Pennino declared a ten-minute recess and the City Council meeting reconvened at approximately 8:58 p.m.

13. REGULAR CALENDAR (Cont'd.)

- a) Following presentation by Darlene Ruiz on behalf of Guild Cleaners regarding PCE/TCE contamination, the City Council, on motion of Council Member Snider, Mann second, unanimously made a finding that no public health emergency of PCE/TCE in the City of Lodi ground water presently exists by virtue of the fact that the City tests and delivers safe water and requested that the State of California including the Department of Toxic Substances suspend its investigation to allow the City of Lodi to work with the business community toward other efficient cost effective alternatives.

Speaking on the matter were the following persons:

1. Darlene Ruiz presented a report on the matter (support);
2. Jerry Marcotte, Department of Toxic Substances, California Environmental Protection Agency (support of search for other alternatives; however, not in support of suspending the investigation in the matter);
3. Jim Versepunt, on behalf of the Lodi District Chamber of Commerce (support);
4. Ken Cantrell, President, Lodi Downtown Business Association (LDBA) (support);
5. Rita Rott, 932 Sylvia Drive, Lodi, questioned whether or not there was grant money available to help offset the costs of cleanup. (Mr. Marcotte responded that there is an underground tank program, but it does not apply in this case.); and
6. Jerold Hohenrieder, representing the Lustre Cal Name Plate Corporation, questioned the State about the costs of the investigation.
FILE NO. CC-183(a), CC-6

- b) The City Council, on motion of Council Member Mann, Sieglock second, unanimously adopted Resolution No. 93-146 modifying the existing "No Parking" zone, Kettleman Lane west of Ham Lane (this leaves 99' of no parking), east of the Municipal Service Center Driveway.

Speaking in support of the matter was Bill Graffigna, 151 South Corinth, Lodi.
FILE NO. CC-48(e), CC-300

- c) Following discussion regarding intersection control and "No Parking" zone study, Kettleman Lane at Beckman Road, the City Council, on motion of Council Member Sieglock, Davenport second, adopted Resolution No. 93-149 approving 200' of no parking on the north side of Kettleman Lane east of Beckman Road and 100' restricted parking on both sides of Kettleman Lane west of Beckman Road by the following vote:

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

Further, the Public Works Director will look into adding a rumble strip which would separate the rural and city areas and additional street lighting in the area.

Speaking on the matter were the following persons:

1. Missy Halladay, 12044 North Alpine Road, Lodi (support); and
2. Marilyn Burnes, 5430 East Kettleman Lane, Lodi (support).
FILE NO. CC-48(e), CC-300

- d) The City Council, on motion of Council Member Sieglock, Mann second, unanimously adopted Resolution No. 93-147 naming "the point" at Lodi Lake Park after the late Chuck Parsons, "Chuck Parsons Point" and approved signage of the area.

Speaking in support of the matter was Tony Segale, Segale Signs, Lodi.
FILE NO. CC-27(c), CC-300

- e) The City Council, on motion of Council Member Mann, Pennino second, unanimously adopted Resolution No. 93-143 naming "the press box" at the Grape Bowl, "The Meehleis Family Press Box" (or whatever name the family agrees upon), and approved signage for the facility.
FILE NO. CC-27(c), CC-300

- f) The City Council, on motion of Council Member Snider, Mann second, unanimously approved the "Friends of the Lake" recognition program and sign concept to be established at Lodi Lake Park, and further directed that staff attempt to pay for the sign by donations.
FILE NO. CC-27(c), CC-300

14. RECESS

Mayor Pennino called for a five-minute recess and the City Council meeting reconvened at approximately 10:47 p.m.

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15. REGULAR CALENDAR (Cont'd.)

- a) Council Member Davenport made a motion to put on the June, 1994 ballot the matter regarding architectural services for the Civic Center Improvement Project. The motion died for lack of a second.

Council Member Davenport made a second motion to table the matter. The motion died for a lack of a second.

Further, the City Council, on motion of Council Member Mann, Snider second, authorized the City Manager to execute Addendum #3 to the existing architectural agreement with Wenell Mattheis Bowe for Phase III of architectural services for the Civic Center Improvement Project. This addendum is for architectural and engineering services for design development through construction observation for the City Hall Remodel, City Hall ramps and entry plaza, and computer/data cabling, at a cost of \$135,089 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. Cheryl Reinke, 420 Ravenwood Way, Lodi, questioned the budgeting of this project and expressed her opposition to the City Hall remodel, except for the required Americans with Disabilities Act (ADA) modifications;
2. Virginia Snyder, P.O. Box 2444, Lodi, commented on the priorities of projects and felt that the City Hall remodel could be postponed to take care of more important matters such as code enforcement;
3. Rita Rott, 932 Sylvia Drive, Lodi, suggested postponing the project and investing the monies allocated for the City Hall remodel to collect interest; and
4. Brian Stamos, 1935 Carmel Circle, Lodi, suggested holding off on the project until the City could afford it and instead work towards the revitalization efforts of downtown and Cherokee Lane.
FILE NO. CC-6, CC-90

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

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

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17. ORDINANCES

a) Ordinance No. 1587 entitled, "An Ordinance of the City Council of the City of Lodi Repealing Ordinance No. 854 of the Lodi Municipal Code Relating to Building Setback Lines on South Stockton Street" having been introduced at a regular meeting of the Lodi City Council held November 3, 1993 was brought up for passage on motion of Mayor Pennino, Snider 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

b) Ordinance No. 1588 entitled, "An Ordinance of the City Council of the City of Lodi Adding a New Chapter 9.10 to the Lodi Municipal Code Relating to the Prohibition of Loitering by Minors During Certain Hours" having been introduced at a regular meeting of the Lodi City Council held October 4, 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

Speaking in support of the matter was Naomi McCallum Carey, 402 West Oak Street, Lodi.
FILE NO. CC-6, CC-149, CC-188

18. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

a) The City Council, on motion of Council Member Snider, Sieglock second, unanimously authorized the City to renew the consulting contract with Insurance Consulting Associates (ICA) for a three-year term pursuant to a response regarding concerns on a charge of \$3,000 for rental on the company's computer network.
FILE NO. CC-90

b) The City Council, on motion of Mayor Pennino, Snider second, unanimously adopted Resolution No. 93-141 approving the reclassification of one Engineering Technician I/II position to Senior Engineering Technician in the Engineering Division of the Public Works Department
FILE NO. CC-34, CC-300

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- c) The City Council, on motion of Council Member Davenport, Pennino second, unanimously approved the reorganization of Personnel and the reallocation of one Personnel Technician to Administrative Clerk II.
FILE NO. CC-34, CC-300

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19. CLOSED SESSION

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

- a) Labor Relations

The City Council reconvened at approximately 2:00 a.m.
FILE NO. CC-200(a)

20. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 2:00 a.m., November 18, 1993.

ATTEST:


Jennifer M. Perrin
City Clerk