

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JANUARY 7, 1998  
7:00 P.M.**

1. ROLL CALL

Present: Council Members - Land, Mann, Pennino, Warner and Sieglock (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Deputy City Manager Keeter, City Engineer Prima, Community Development Director Bartlam, Police Chief Hansen, Information Systems Manager Helmle, City Attorney Hays and City Clerk Reimche

2. ANNOUNCEMENT

Mayor Sieglock extended congratulations to Council Member Warner on his recent appointment as Municipal Judge.

3. INVOCATION

The invocation was given by Pastor Ray Hoffman, First Baptist Church.

4. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

5. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Sieglock presented a proclamation to Lori Fowler with Delta Blood Bank proclaiming the month of January 1998 as "Volunteer Blood Donor Month".
- b) Agenda item #D-3(a) entitled, "Presentation by the Greater Lodi Area Youth Commission regarding Honoring Teens Program" was pulled from the agenda and will be scheduled for the City Council meeting of January 21, 1998.

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6. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$3,144,482.05 and Disbursements Through Wire Transfer in the amount of \$250,860.11.
- b) The minutes of December 17, 1997 (Regular Meeting) were approved as written.
- c) Authorized sale of scrap wire and metal at periodic intervals during calendar year 1998.
- d) Approved the plans and specifications for Tokay Street Reconstruction, Mills Avenue to Fairmont Avenue and authorized advertising for bids.
- e) Adopted Resolution No. 98-01 approving the plans and specifications for Lower Sacramento Road Resurfacing, Turner Road to 400 Feet North of Eilers Lane, authorized advertising for bids, and approved the Program Supplement Agreement to Local Agency-State Agreement 10-5154 covering construction engineering and construction for this project.

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- f) Adopted Resolution No. 98-02 approving the purchase of a 1½-ton cab and chassis with hydraulic, articulating, telescoping aerial device for the Street Division from Pacific Utility Equipment Company, West Sacramento, in the amount of \$67,934.22 and appropriated funds in accordance with staff recommendation.
- g) Adopted Resolution No. 98-03 authorizing the purchase of Rainbird Maxicom components for irrigation systems at the Softball Complex, Stadium, Lawrence, and Zupo Parks in the amount of \$22,558.23.
- h) Approved the letter committing the City to replace a driveway at 107 North School Street.
- i) Authorized the City Clerk to invite proposals for 5-year leases on the 870± acres of agricultural property at the White Slough Water Pollution Control Facility.
- j) Adopted Resolution No. 98-04 authorizing the City Manager to approve the new Economic Development Power Supply Contract between the City of Lodi and Apache Plastics, L.P.
- k) Agenda item #E-11 entitled, "Power Supply Contract between the City of Lodi and Pacific Coast Producers, Inc." was pulled from the agenda pursuant to staff's request.
- l) Agenda item #E-12 entitled, "Public Benefits Charge Grant to Pacific Coast Producers, Inc." was pulled from the agenda pursuant to staff's request.
- m) Adopted Resolution No. 98-07 authorizing destruction of certain Police Department records listed below in excess of five years of age:
  - Background investigations and employment records of previous employees who have left employment with the City over five years ago. This does not include retirees.
  - Background investigations of previous applicants not hired, over five years old.
  - Crime reports, incident reports and traffic reports over five years old, except for those with pending court action and all homicide investigations.
  - Investigations of Citizens Complaints over five years old.
- n) Released funds in the amount of \$32,500 from the 1997/98 budget, for the purchase of a California Law Enforcement Telecommunications System (CLETS), Journaling Program.
- o) Authorized the issuance of subpoenas based upon the recommendation of the Contamination Advisory Committee.
- p) Approved the three-month contract with Morada Corporation for information systems assistance in the Police Department.
- q) Authorized the City Manager to sign agreement with PG&E for Facilities Sale and Transition Charge Recovery at 2505 West Turner Road, Lodi.  
(Council Member Pennino abstained from discussion and voting on this matter.)

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7. 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 Sieglock called for the Public Hearing to receive a report of the cost of abatement of the weeds in the City of Lodi during 1997 and to hear any objections to the property owners liable to be assessed for the abatement.

The City Council was reminded that several months ago it initiated weed abatement proceedings on various parcels throughout the City. According to the Government Code of the State of California legal noticing, including letters to the subject property owners, publications and postings were made regarding the matter. Public Hearings regarding the program were conducted by the City Council.

Ultimately, the City abated the weeds on the parcels listed on the next page. The Government Code provides that the City Council shall set a Public Hearing to receive a report of the cost of abatement in front of or on each separate parcel of land where the work was done by the City. At the time fixed for receiving and considering the report, the legislative body shall hear it with any objections of the property owners liable to be assessed for the abatement. After confirmation of the report by the Council, a copy shall be forwarded to the County Assessor and Tax Collector who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

Therefore, it was recommended that following the Public Hearing the City Council adopt the resolution confirming the cost of weed abatement in the City of Lodi during 1997 and provide for collection through the San Joaquin County Auditor's office.

Hearing Opened to the Public

1. Mr. Ed Loo, 1115 Black Diamond Way, Lodi, owns the parcel located at 3 South Commerce and complained that he thought the assessment from the City for clearing his property was extremely high. Mr. Loo indicated he had already paid the assessment. Staff was unable to confirm the financial status of his account.

Council Member Pennino asked that staff research the subject to see if there would be another way this program might be handled.

Public Portion of Hearing Closed

**ACTION:**

The City Council, on motion of Council Member Land, Warner second, adopted Resolution No. 98-08 confirming the cost of weed abatement in the City of Lodi during 1997 and providing for collection. Further, City Council directed staff to confirm if Mr. Loo had paid his assessment and, if so, to amend the Cost Report of abating weeds to reflect this payment prior to sending it to the San Joaquin County Tax Collector, County Assessor and the County Auditor for collection.

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Sieglock called for the Public Hearing to consider the Planning Commission's recommendation that the City Council adopt the 1997 Growth Management Allocations.

Community Development Director Bartlam informed the City Council that each year the City allocates residential building permits as a part of the City's Growth Management Plan for Residential Development. Under this process, all residential projects of 5 or more units must apply for building allocations. Allocations are made for a projected 2% growth in population for the current year. This year the City has 412 residential building permits to allocate. Of the 412 permits, 65% or 268 are for single-family residential units, 10% or 41 are for medium-density residential units such as duplexes and townhouses, and 25% or 103 are for high-density residential units such as apartments.

All projects requesting allocations submit a request stating the number of allocations they are seeking to obtain. The projects are scored on a set of criteria previously established by City ordinance. The highest scoring projects have the greatest chance of receiving their allocation request, the lowest scoring, the least chance. This year the number of allocation requests did not exceed the amount available. Competitive scoring, in this instance, did not effect a projects ability to obtain allocations.

There are 6 projects which have requested single-family allocations and 2 that have requested medium-density allocations. The City has received 236 single-family allocation requests and there are 268 available as well as 118 medium-density allocation requests for which 181 are available.

Following their Public Hearing, the Planning Commission adopted the following list of Growth Management allocations:

<u>Projects (Listed in order of points scored)</u>	<u>Requested 1997 Allocations</u>	<u>Recommended 1997 Allocations</u>
<u>Single Family Requests</u>		
Lodi West	53	53
Towne Ranch	6	6
Bridgetown	36	36
Century Meadows I	45	45
Sunwest XIV (Helmle Property)	36	36
Century Meadows II	<u>60</u>	<u>60</u>
	236	236
 <u>Medium Density Requests</u>		
Sunwest Garden	18	18
Sasaki Property	<u>100</u>	<u>100</u>
	118	118

SINGLE-FAMILY PROJECTS

- **Lodi West** is an existing and developing single-family project. The Planning Commission recommends to the City Council that this project be awarded 53 single-family allocations, which is all of the allocations needed to complete the development.
- **Towne Ranch** is an existing and developing single-family project. The Planning Commission recommends to the City Council that this project be awarded 6 single-family allocations, which is all of the allocations needed to complete their subdivision.
- **Bridgetown** is an existing and developing single-family project. The Planning Commission recommends to the City Council that this project be awarded 36 allocations, which is all of the allocations needed to complete the development.
- **Century Meadows ONE** is an existing and developing single-family project. The Planning Commission recommends to the City Council that this project be awarded 45 allocations, which is all of the allocations needed to complete the development.
- **Sunwest XIV (Helmle Property)** is an approved single-family development plan. The Planning Commission recommends to the City Council that this project be awarded 36 allocations, which is all of the allocations needed to complete the development.
- **Century Meadows Two** is an existing and developing single-family project. The Planning Commission recommends to the City Council that this project be awarded 60 allocations, which is all of the allocations needed to complete the development.

MEDIUM DENSITY PROJECTS

**Sunwest Garden** is one of two new medium-density development plan projects. The Planning Commission recommends to the City Council that this project receive 18 medium-density allocations, which is enough to complete the apartment complex.

- **Sasaki Property** is the second new medium-density development plan project the City has for review this year. The Planning Commission recommends to the City Council that this project receive 100 medium-density allocations, which is enough to complete the development.

Hearing Opened to the Public

There was no one wishing to speak on this matter.

Public Portion of Hearing Closed

Council discussion followed with questions being directed to Community Development Director Bartlam regarding the subject including what happens to unused allocations. Council Member Warner indicated that he would like to study this issue further as he would not like to see these allocations stockpiled.

**ACTION:**

The City Council, on motion of Council Member Warner, Sieglock second, unanimously adopted Resolution No. 98-05 approving the 1997 Growth Management Allocations.

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Sieglock called for the Public Hearing to consider the technical equipment purchase proposal for the Local Law Enforcement Block Grant Program.

Police Chief Hansen provided the City Council with the following background information. On July 2, 1997 Council authorized the Police Department to accept Local Law Enforcement Block Grant Program Funds in the amount of \$106,522 and provide matching funds of \$11,836 from the 1997/98 police department budget. The City applied for and received the Grant Award on September 30, 1997, and funds will be placed in a special revenue fund pending dispersal when received.

On December 11, 1997 an eight-member Advisory Board convened and reviewed the proposal for disbursement of those funds, which would purchase a server, PC terminal and wiring for the network of the PC system.

Hearing Opened to the Public

There was no one wishing to speak on this matter.

Public Portion of Hearing Closed

Discussion followed regarding the matter with questions being directed to Chief Hansen by the City Council. Council Member Pennino expressed his concern that when these grant funds are no longer available, how would the updating of this technology be funded.

**ACTION:**

The City Council, on motion of Mayor Sieglock, Pennino second, unanimously adopted Resolution No. 98-06 authorizing the Lodi Police Department to purchase a server, PC terminals, and wiring for the network of the PC system under the Local Law Enforcement Block Grant Program.

8. COMMUNICATIONS (CITY CLERK)

- a) City Clerk Reimche read the following ABC Licenses:
1. Mike N. Aburamadan and Farouk Y. Diab, Coco's Restaurant, 2347 West Kettleman Lane, Lodi, On-Sale Beer and Wine, Original License;
  2. Gallien Incorporation to Douglas A. and Janie R. Garceau, Mountain Mike's Pizza, 550 South Cherokee Lane, Suite E, Lodi, On-Sale Beer and Wine, Person to Person Transfer;
  3. Barbara A. Fuentes, Prima, 1110 West Kettleman Lane, Suite 2, Lodi, On-Sale Beer and Wine, Original License.
- b) The following report was presented to the City Council:
1. Planning Commission report of December 10, 1997
- c) City Clerk Reimche apprised the City Council that Robert S. Fuller, who had served as the City's appointee to the San Joaquin County Mosquito Vector Control District, recently passed away. Mr. Fuller had served the City in this capacity for 40 years. Sincere condolences were expressed to the Fuller family.

The City Council, on motion of Council Member Pennino, Warner second, unanimously concurred with the following appointments/reappointments to various boards and commissions:

**Senior Citizens Commission**

Shelby Young	Term to expire December 31, 2001
Dorance Ochs	Term to expire December 31, 2001

**Site Plan and Architectural Review Committee**

Leonard Bull	Term to expire January 1, 2002
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**East Side Improvement Committee**

Dawn Squires	Term to expire March 1, 1998
Camille Green	Term to expire March 1, 1999

- d) City Clerk Reimche informed the City Council that her office received an application from PG&E requesting to increase base electric and gas revenues effective January 1, 1999. Council Member Pennino advised that this does not represent a rate increase to consumers.

9. REGULAR CALENDAR

- a) Agenda item #H-1 entitled, "Additional Tree Removal in the Mokelumne River".

City Engineer Prima reminded the City Council that the City recently awarded a contract to Ford Construction for removal of 22 trees from the Mokelumne River. Removal of 19 trees under this contract will be funded using FEMA funds; 3 trees will be removed using City funds. Park Superintendent Dauber presented diagrams depicting the subject trees.

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San Joaquin County, on our behalf, had applied for funding to remove the other trees in the Mokelumne River within the City limits. The City recently received a letter from the County, dated December 22, 1997, indicating that this component of its grant application for tree removal on the Mokelumne River was denied. Therefore, there are no allocated funds for the remaining 27 trees.

The estimated cost to remove the additional trees, between the Lodi Lake Wilderness Area and the easterly City limits, is approximately \$60,000. These 27 trees could be removed as a change order to the existing contract with Ford Construction. The \$60,000 is an estimate. The exact amount must be negotiated with the contractor. Staff recently had the City's permit modified to include these additional 27 trees.

It was recently discovered that 5 of the 27 trees front the City's old dumpsite just east of the southern Pacific Railroad river crossing. Since these trees are fronting City property, it may be possible to include these under a revised FEMA application. Staff will make every attempt to obtain additional FEMA funding, but the City should not count on it.

A lengthy discussion followed with questions being directed to Mr. Prima and Mr. Dauber.

The City Council, on motion of Council Member Mann, Sieglock second, expressed concern about the time factor involving this matter and thereby directed the City Manager to go forward with the bidding process, directing that the north bank trees and the south bank trees be separated out in the bid documents, and further authorized the City Manager to award the contract to the lowest responsible bidder, by the following vote:

Ayes: Council Members - Land, Mann, Pennino and Sieglock (Mayor)

Noes: Council Members - Warner

Absent: Council Members - None

Abstain: Council Members - None

- b) Agenda item #H-2 entitled, "Information systems update by Information Systems Manager Helmle" was pulled from the agenda and will be brought back before the City Council at a future date.

10. RECESS

Mayor Sieglock called for a five-minute recess and the City Council meeting reconvened at approximately 8:15 p.m.

11. REGULAR CALENDAR (Continued)

- a) Agenda item #H-3 entitled, "Retain the firm of EKONA to prepare the plans and specifications for the Public Safety Building Remodel".

City Engineer Prima reminded the City Council that at the meeting of November 5, 1997, the City Council directed staff to obtain a proposal from EKONA for preparation of plans and specifications for the Public Safety Building Remodel Project. The Public Works staff and the City Attorney's office have been working with EKONA over the last few months to finalize an agreement for the preparation of the Public Safety Building Remodel plans and specifications. It has been approved as to form by the City Attorney. The cost for providing the basic service is \$249,000 plus reimbursable expenses. Reimbursable

expenses are normally budgeted at ten percent of the basic service amount. The \$249,000 is a not-to-exceed price with billing on a time-and-materials basis. It is critical that this agreement be executed as soon as possible to ensure that the HVAC shutdown can take place in the winter of 1998 and spring of 1999.

In addition to the design that will be provided by EKONA, monies need to be allocated for the design of other specialty areas. The total estimated design costs are shown below:

- EKONA (basic service) \$257,000
- EKONA (reimbursable) \$ 25,000
- Hazardous Material Analysis \$ 5,000
- Furniture/Signage \$ 16,000
- Dispatch/Computer/Radio System (allowance)

It was, therefore, recommended that \$364,000 be appropriated for the total design of the Public Safety Building Remodel Project.

City Manager Flynn suggested the funding proposal of \$364,000 be from the General Fund Capital Outlay, which would include information systems funds, parking structure funds, Beckman Building funds, Police automated telephone system and salary savings from Police Department.

Following a lengthy discussion, the City Council, on motion of Council Member Warner, Pennino second, unanimously approved hiring the firm EKONA, of San Francisco, to prepare the plans and specifications for the Public Safety Building Remodel, authorized the City Manager to execute the appropriate agreements, and appropriated funds in accordance with the City Manager's recommendation.

12. ORDINANCES

None.

13. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Ken Owen, Christian Community Concerns, P.O. Box 367, Lodi, presented the City Council with the following letter.

"From time to time there are issues that come up outside the sphere of this Council that are either so important, or so wrong, or harmful to the overall well being of society as a whole that we feel an obligation to bring them to you in order to apprise you of their significance, and ask for your support in joining with us to make a statement. Tonight I want to bring one of those issues before you.

On January 22, at 10:00 a.m. in the County Courthouse, the Board of Supervisors will be voting on what we consider one of the greatest threats to religious freedom, and the First Amendment to our Constitution that we have ever had to fight in San Joaquin County.

It's called 'Special Use Regulations, Concerning Religious Assembly In The Agriculture Zones'.

1. The original ordinance calls for buffer zones to reduce any adverse effects to less than significant to the existing and potential agricultural uses in the vicinity. Adverse effects, less than significant, existing and potential? What do those terms mean, and who will define them? They can mean anything you want them to mean. They are too vague and ambiguous, and open to a wide range of interpretation to be of any value in determining the value of a project.
2. The site must have direct access to a collector or higher classification roadway in order to have no adverse impact on area agricultural enterprises. To make my point I will just simply ask you if you have ever been stuck behind a tomato truck?

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3. The site must have direct access to a minor arterial or higher classification roadway to maintain acceptable levels of service, and does not adversely impact area agricultural enterprises. Again, this language is vague and ambiguous.
4. The site shall be within two miles of an urban community. This is the most frightening of all.

First of all we feel that this ordinance, if enacted would violate the first amendment of our Constitution, by putting unnecessary restraints on Churches that other entities do not have to adhere to.

Secondly, according to recent studies, Church growth has not kept pace with population growth in San Joaquin County. There is actually a shortage of Churches.

As of 1990 there were 270 Churches in the County, serving 36.7% of the County's population of 480,628. Since 1990 the County has grown by 12.5% with another 7.4% anticipated by the year 2002.

The Churches are having a difficult time raising enough money to pay for land costs, and adherence to county regulations as it is. If a two mile limit is placed on them, along with additional regulations that no one else has to adhere to, in my opinion it shows that the Board of Supervisors who vote for this ordinance are classifying Churches as undesirable neighbors, and are in fact prohibiting the free exercise clause of our Constitution."

Mayor Sieglock indicated that he agreed with Mr. Owen's position on this matter.

- b) Virginia Snyder, 303 Louie Avenue, Lodi, addressed the City Council regarding AB 849 which would limit alcohol outlets in communities. Further, Ms. Snyder passed out information which indicated off-sale and on-sale business in the City of Lodi presently and the number of such licenses that would be allowable under this Bill. Ms. Snyder also presented pictures of subject businesses located on East Lodi Avenue.

**14. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS**

- a) City Manager Flynn announced that January 4, 1998 was Jack Ronsko's birthday and extended best wishes to him. Further Mr. Flynn advised that his secretary, Barbara Reed, has a new display in the Carnegie Forum display cabinet showcasing Kathy Warner's bunny collection. Also, Mr. Flynn announced that Mrs. Reed has announced her retirement effective July 21, 1998.
- b) City Engineer Prima displayed a sample of the beautiful new street signs that will be used in the downtown area.
- c) Council Member Warner stated that downtown Lodi was as busy and active as he has ever seen it during the holiday season and urged the community to continue coming and shopping in the downtown area, because it does make a difference.
- d) Council Member Mann stated that at the last Council Meeting he had objected to the issuance of an Alcoholic Beverage Control (ABC) license to the Roundhouse Bar. He stated that the information that he had based this objection on was old and that the new owner is doing a good job. Mr. Mann stated that he feels that the City Council needs to take a stand in cases where vendors of alcohol do not control their patrons and would hope that the City would proceed with a process that would allow it to do this.

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Further, it was pointed out that complaints are being received about the impromptu car lots being located on Lower Sacramento Road between Woodlake and Vine Streets. Staff was directed to look into the matter.

- e) City Engineer Prima responded to questions as to what can be done with the problems being encountered with vehicles striking and knocking down ballards in the downtown area. Mr. Prima indicated that his department is presently looking at a number of ways to resolve this problem.

Further, Mr. Prima was asked about the signal at Pine and School Streets, and discussion followed if it should be converted to blink red all the time or to a standard four-way stop signal.

Also, it was pointed out that a recommendation has been received that Pine Street be redesigned for diagonal parking. Following questions being directed to Mr. Prima regarding the matter, the Council asked that this be reviewed and that a report regarding the matter be provided to them.

- f) Council Member Pennino asked that if the recently installed kiosks in the downtown area will be lit and was told by Mr. Prima that they would not. Council Member Pennino indicated that this was probably a missed opportunity and asked that the feasibility of doing this be looked into.

Further, Council Member Pennino suggested that the late fees for utility bill payments which were approved a couple of months ago be reviewed. He stated that the \$5.00 late charge on the average bill represents 75% interest per year. Discussion followed with no action regarding the matter being taken.

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 8:50 p.m.

ATTEST:

Alice M. Reimche  
City Clerk