

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 1, 1998
7:00 P.M.**

1. ROLL CALL

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

Absent: Council Members - None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima, City Engineer Murdoch, Community Development Director Bartlam, Deputy City Attorney Luebberke and City Clerk Reimche

2. INVOCATION

The invocation was given by Council Member Pennino.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Aaron Lange, Chairman of the Greater Lodi Area Youth Commission, made a presentation to the City Council regarding the recent Youth Conference in Foster City which was attended by several members of the Youth Commission.
- b) Barton Meays, Executive Director of the San Joaquin County Council of Governments (COG), made a presentation to the City Council regarding an update on COG and the emerging issues for the future. Mayor Sieglock and Council Member Pennino presented Mr. Meays, who is retiring from COG, with a plaque for his dedicated service to the San Joaquin County and to the citizens of this community.
- c) Cheryl Baker, President of Tokay Players, addressed the City Council giving an overview of the Tokay Players 36 year history. Ms. Baker spoke about the numerous presentations being produced by the group and indicated that the mission of the Tokay Players in part is to educate and entertain. She also stated that they have a vision to own their own building, to build public awareness of the group and remain a necessary part of Lodi, and to have continuing support from the community.

Ms. Baker indicated that they are currently in a financial struggle and spoke about numerous fund raisers they have held. She asked the Council and the community to support them in a number of ways: 1) to help them raise \$400,000 to purchase the building they are presently in; 2) to assist them in raising \$30,000 by May 31, 1998 to bring them current on the rental of the building; or 3) to assist them in applying for a Block Grant. Ms. Baker also suggested that the City may consider giving them a loan or buying their lot located on the corner of School Street and Lockeford Street.

Anyone wishing to support the Tokay Players may call 368-2225 or send contributions to P.O. Box 1014, Lodi, CA 95241-1014.

5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$2,074,740.15 and Disbursements Through Wire Transfer in the amount of \$295,849.64.
- b) The minutes of March 18, 1998 (Regular Meeting) were approved as written.
- c) Approved the plans and specifications for 1998 Handicap Ramp Retrofit Project, Various Locations and authorized advertising for bids.
- d) Approved the specifications for a total of 48 Class 3 and Class 1 wood utility poles in the following quantities and sizes and authorized advertising for bids:
 - 10 ea. 35-foot Class 3
 - 5 ea. 50-foot Class 3
 - 10 ea. 60-foot Class 1
 - 10 ea. 65-foot Class 1
 - 5 ea. 70-foot Class 1
 - 2 ea. 75-foot Class 1
 - 2 ea. 80-foot Class 1
 - 2 ea. 85-foot Class 1
 - 2 ea. 90-foot Class 1
- e) Adopted Resolution No. 98-52 rejecting the response to the Request for Proposal (RFP) for audit services and authorized re-advertisement for bids.
- f) Adopted Resolution No. 98-53 awarding the contract for concession operations at Armory and Softball Complex to Food and Fun Concessions of Stockton for the period of April 10, 1998 through December 31, 2000.
- g) Adopted Resolution No. 98-54 awarding the contract for Lower Sacramento Road Resurfacing, Turner Road to 400 Feet North of Eilers Lane to Granite Construction Company in the amount of \$79,364.00 and appropriated funds in accordance with staff recommendation.
- h) Accepted the improvements under the "Blakely Park Fence Improvements, 1050 South Stockton" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- i) Accepted the handicap accessibility improvements under the "Kofu Park Concrete Ramp, 1145 South Ham Lane" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- j) Accepted the "Abatement of Non-Compliant Conditions (Asbestos) and Selective Demolition of Affected Structure at 17 E. Elm Street" contract and directed the Community Improvement Manager to file a Notice of Completion with the County Recorder's office.
- k) Agenda item #E-11 entitled, "Final map and improvement agreement for Lodi West, Unit No. 3, Tract No. 2659" was pulled from the agenda pursuant to staff's request.

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- l) Authorized the City Manager to execute the necessary agreements to purchase/regenerate granular activated carbon (GAC) from Northwestern Carbon under the applicable terms of the City of Fresno's contract.
- m) Adopted Resolution No. 98-55 leasing 270 acres of land at the White Slough Water Pollution Control Facility (WSWPCF) to Bechthold-Kirschenman Farms (lease term shall be April 16, 1998 through October 15, 1998).
- n) Adopted Resolution No. 98-56 approving Executive Management Statement of Benefits.
- o) Adopted Resolution No. 98-57 approving the reclassification of one Senior Programmer/Analyst position to Network Administrator.
- p) Authorized Angus-Hamer, Incorporated to provide Wide Area Network (WAN) engineering services for a WAN and authorized staff to implement the recommended network design in an amount not to exceed a total of \$75,000 which includes the engineering, equipment and installation of the system.

6. 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 consider Refuse Rate Adjustment Application from California Waste Systems, Inc.

Public Works Director Prima reminded the City Council that in December 1991, it adopted a rate methodology for establishing residential and commercial refuse collection rates in the City of Lodi. In accordance with the index year rate procedure specified in the rate methodology, California Waste Systems, Inc. has submitted its rate adjustment application requesting a 1.35% increase for both residential and commercial rates. This calculates to a \$.24 increase for basic residential service.

This is the second year of a two-year adjustment cycle. This year's application is based on a composite cost index formula. A more detailed analysis takes place in alternate years and will be done in 1999. A copy of the rate methodology, which enumerates the formula used in the index year, was submitted with the March 18, 1998 Council Communication. The new rate will take effect for bills prepared after April 1, 1998, as established in the rate methodology detailed procedure.

The City received one written inquiry from Eileen St. Yves, Manager of the Orange Grove Apartments, Turner Apartments and Lodi Homes, regarding the rate adjustment application.

Staff responded and indicated that a policy concerning application of low volume rates for apartments using containers was being developed. Upon questioning by Mr. Pennino, staff indicated the policy would be handled administratively.

Hearing Opened to the Public

1. Mr. Thomas Sanchez of California Waste Systems, Inc., 1333 East Turner Road, Lodi, addressed the City Council and responded to numerous questions as were posed by members of the City Council regarding the subject. Mr. Sanchez indicated that the low volume rate for all qualifying citizens was adopted in 1992 and indicated that he believed that most seniors would qualify for this rate which is being proposed at \$12.09 per month (20 gallon waste cart and one service per week).

Following an inquiry, Mr. Sanchez indicated that he would be looking into why fees vary at the different landfills in the area and would be advising the City Council of his findings.

2. Eileen St. Yves, 310 South Orange Avenue, Lodi, indicated that her apartment complex has undertaken a massive recycling program and outlined in detail what they had done. She indicated that she feels everyone in Lodi should be entitled to the low volume rate. Ms. St. Yves indicated her appreciation to City Manager Flynn, Public Works Director Prima, and Mr. Sanchez for their efforts in bringing this recommendation before the City Council.

Public Portion of Hearing Closed

ACTION:

The City Council, took the following actions:

- On motion of Council Member Mann, Sieglock second, unanimously adopted Urgency Ordinance No. 1656 entitled, "An Uncodified Urgency Ordinance of the City Council of the City of Lodi, Repealing Ordinance No. 1644 In Its Entirety, and Establishing New Rates for Residential Solid Waste Collection";
 - On motion of Council Member Pennino, Land second, unanimously adopted Urgency Ordinance No. 1657 entitled, "An Uncodified Urgency Ordinance of the City Council of the City of Lodi, Repealing Ordinance No. 1645 In Its Entirety, and Establishing New Rates for Commercial Solid Waste Collection"; and
 - On motion of Mayor Sieglock, Johnson second, unanimously adopted Urgency Ordinance No. 1658 entitled, "An Uncodified Urgency Ordinance of the City Council of the City of Lodi, Repealing Ordinance No. 1646 In Its Entirety, and Amending Lodi Municipal Code Chapter 13.16, Relating to Commercial 10 to 50 Cubic Yard Roll-Off Boxes".
- 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 adoption of an amendment to the Lodi Zoning Ordinance regarding the sale of alcoholic beverages.

Community Development Director Bartlam informed the City Council that the City has initiated this amendment as a mechanism to gain some local control in the locations that alcoholic beverages are sold. As the City has experienced over the years, some establishments that sell alcohol can become negative influences on the community. Problems arise such as an increase in police calls for service, over-concentration of land use, and negative aesthetics.

Currently, the only review that these establishments receive is a check on appropriate zoning and an informational item on the City Council agenda. With the approval of this amendment, a Use Permit will be required any time a new business is proposed, when an existing business wants to expand or relocate, or when a modification of their license is desired. This ordinance will not affect any other existing outlets that sell alcohol.

Examples of the types of items that the Planning Commission may consider when reviewing an application include site considerations such as parking, lighting, signage, and adjacent land uses. Operational issues, like hours of operation and the number of similar establishments in a given neighborhood will also be reviewed. As with all Use Permit applications, the Planning Commission's action is appealable to the City Council.

Following Mr. Bartlam's presentation, a lengthy discussion was held by the City Council regarding the matter with numerous questions being posed to Mr. Bartlam including the revocation process, concentration criteria, etc.

Hearing Opened to the Public

1. Sham and Meenu Chanana, owners of Cherokee Liquor & Deli, 220 North Cherokee Lane, Lodi, addressed the City Council asking that the Council petition the State of California Alcoholic Beverage Control (ABC) to suspend pending liquor license applications until the City ordinance takes effect. They stated that in their area there are presently six liquor stores in a one-mile area.

Public Portion of Hearing Closed

Members of the City Council questioned Mr. Bartlam regarding the concentration issue and about who makes the determination on the number of licenses issued.

Council Member Pennino stated that he would like to have representatives of ABC invited to attend a Shirtsleeve Session regarding this subject.

Council Member Johnson asked Mr. Bartlam to provide information pertaining to concentration data for this area.

ACTION:

Council Member Mann proposed a motion recommending that the City Council write ABC asking them to place a hold on any pending applications until the ordinance presently under consideration is in effect.

Additional discussion followed with concerns being expressed about businesses, which are currently in project implementation, being delayed by the proposed staying of their ABC applications.

Following additional discussion, Council Member Mann withdrew his motion.

Further, The City Council, on motion of Council Member Mann, Sieglock second, unanimously introduced Ordinance No. 1659 entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 17.72 of the Lodi Municipal Code by Adding Section 17.72.040 (F) Requiring the Issuance of a Use Permit Prior to the Approval of an Establishment Selling Alcoholic Beverages".

7. COMMUNICATIONS (CITY CLERK)

- a) City Clerk Reimche read the following ABC Licenses:
 1. Hector M. Duenas to Ramiro S. Gomez and Juan Ruiz, Taqueria E. Rodeo No. 1, 550 South Cherokee Lane, Suite J, Lodi, On-Sale Beer and Wine, Person to Person Transfer;
 2. Ali Mohammad Ahmad to Runduha Inc., Shortstop, 20 West Turner Road, Lodi, Off-Sale Beer and Wine, Reduced Fee Transfer; and
 3. Richard L. Jow to Hayde G. Martinez, Miguels, 322 North California Street, Lodi, On-Sale Beer and Wine, Person to Person Transfer.

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- b) The following report was presented to the City Council:
 - 1. Planning Commission report of March 11, 1998
- c) The City Council, on motion of Mayor Pro Tempore Land, Sieglock second, unanimously made the following appointments to various committees:

San Joaquin County Water Advisory Commission

Robert J. Johnson, Council Member

East San Joaquin Parties Water Authority

Robert J. Johnson, Council Member

8. **REGULAR CALENDAR**

None.

9. **ORDINANCES**

None.

10. **COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

- a) Meenu Chanana, 220 North Cherokee Lane, Lodi, again addressed the City Council regarding their business stating that they had spent all their money on their business and that they are fearful of being kicked out. Mrs. Chanana then repeated her request that the City Council to help them.

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

- a) Council Member Mann stated that he would like to recommend that the Council or the Parks and Recreation Commission consider season passes to Lodi Lake Park. Following a brief discussion, it was determined that the City has such a pass in place. It was further suggested that the City should look into allowing a senior discount for such passes.
- b) Mayor Sieglock announced the following upcoming events: Lodi Boys and Girls Club Annual Dinner and Auction entitled "Lights, Camera, Auction" which will be held on Saturday, April 18, 1998 at the Boys and Girls Club facility from 6:00 p.m. - 9:30 p.m., and the Omega Nu Mardi Gras Madness to be held on Saturday, April 4, 1998 at the Grape Pavilion from 6:30 p.m. - 11:30 p.m. Also over the weekend on March 29, 1998 was the General Mills 50th Anniversary Celebration Community Appreciation Day at the plant. Mayor Sieglock congratulated and applauded them for being an outstanding and major asset to this community.

12. **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 9:15 p.m.

ATTEST:

Alice M. Reimche
City Clerk