

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, AUGUST 5, 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, Finance Director McAthie, Human Resources Director Narloch, City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Pastor Bill Crabtree, Emanuel Lutheran Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Sieglock presented a proclamation to Barbara Tognoli, Executive Director of Hospice of San Joaquin, proclaiming the week of October 19 - 26, 1998 as "Hospice of San Joaquin Week" in the City of Lodi.
- b) Dennis Bennett, Chairman of the Old Lodi Union High School Site Foundation, presented a check in the amount of \$50,000 toward repayment of the loan of the Performing Arts and Conferencing Center at Hutchins Street Square.
- c) Bill Crabtree with the Lodi Arts Commission updated the City Council on the many activities of the Arts Commission.
- d) Richard Jones, President/CEO of the Lodi Boys and Girls Club, and Police Sergeant Somera provided an update to the City Council regarding the Teen Center.

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5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$6,960,953.47.
- b) The minutes of July 15, 1998 (Regular Meeting) were approved as written.
- c) Accepted the quarterly report of the City of Lodi pooled money investment account as required by SB564.
- d) Agenda item #E-4 entitled, "Plans and specifications and advertisement for bids for Elm Street Reconstruction and Bike Lane Striping, Hutchins Street to Lower Sacramento Road" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.

*Continued August 5, 1998*

- e) Approved the specifications for transit buses' conversion to Compressed Natural Gas (CNG) and authorized advertisement for bids. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
  - f) Adopted Resolution No. 98-117 awarding the bid for the purchase of 16,000 feet of #477MCM bare aluminum conductor to the low bidder, Western States Electric of Portland, Oregon, in the amount of \$9,102.72.
  - g) Agenda item #E-7 entitled, "Contract award for Recreation Program T-shirts" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
  - h) Accepted the improvements under the "Central City Revitalization Improvement Project, Cherokee Lane" contract and directed the City Engineer to file to a Notice of Completion with the County Recorder's office.
  - i) Adopted Resolution No. 98-119 amending Section 2C of Traffic Resolution No. 97-148 by approving the traffic control conversion at the intersection of Elm Street and Sacramento Street from a two-way stop to a four-way stop.
  - j) Adopted Resolution No. 98-120 approving the City's commitment to San Joaquin County Council of Governments (COG) securing a Measure K loan for construction of Highway 12 - Kettleman Lane/Highway 99 interchange improvements using future Measure K allocations as collateral and authorized the City Manager to execute COG's loan agreement.
  - k) Approved the extension of the transfer agreement between the City of Lodi and San Joaquin Regional Transit District (SMART) and authorized the City Manager to execute said agreement.
  - l) Approved the agreements for the purchase of three parcels east of the Fred M. Reid substation on East Lodi Avenue, authorized the City Manager to sign these agreements on behalf of the City, and appropriated funds in accordance with staff recommendation.
  - m) Approved the agreement with First Church of Nazarene at 2223 West Kettleman Lane to dedicate right of way in exchange for construction of street improvements on Tienda Drive and Kettleman Lane; authorized the City Manager to sign on behalf of the City; authorized the City Manager to execute an addendum to the Sunwest XIV, Unit No. 1 Improvement Agreement; and appropriated \$70,000.
  - n) Agenda item #E-14 entitled, "Salary adjustments for certain Electric Utility Mid-Management" was pulled from the agenda pursuant to staff's request.
  - o) Set Public Hearing for August 19, 1998 to consider the Planning Commission's recommendation to adopt a rezone from PUB, Public, to R-2, Residential Single-Family, and a General Plan Amendment from PQP, Public Quasi Public, to LDR, Low Density Residential, for a portion of 16891 North Lower Sacramento Road.
  - p) Adopted Resolution No. 98-122 expanding the Greater Lodi Area Youth Commission from seven student appointees to nine.
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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-4 entitled, "Plans and specifications and advertisement for bids for Elm Street Reconstruction and Bike Lane Striping, Hutchins Street to Lower Sacramento Road".

Public Works Director Prima prepared the following report.

This project consists of reconstructing approximately 146,000 square feet of asphalt concrete pavement between Ham Lane and Mills Avenue. The work also consists of the installation of bike lanes and handicap ramps between Hutchins Street and Lower Sacramento Road. No on-street parking was lost due to the installation of the bike lanes. New traffic detector loops will also be installed at Ham Lane in the area of reconstruction. The Program Supplement for this project was approved July 15, 1998, by Resolution 98-112.

Council Member Mann removed this item from the Consent Calendar in order to vote 'No' on this matter.

The City Council, on motion of Council Member Pennino, Johnson second, approved the plans and specifications for Elm Street Reconstruction and Bike Lane Striping, Hutchins Street to Lower Sacramento Road by the following vote:

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

- b) Agenda item #E-7 entitled, "Contract award for Recreation Program T-shirts".

The following report was prepared by the Parks and Recreation Director.

On June 3, 1998, the City Council authorized advertisement for bids for screen-printed T-shirts for participants in the Parks and Recreation Department's upcoming Flag Football, Junior Basketball and Junior Volleyball programs.

The following seven bids were received and opened on June 24, 1998:

Emporium Products, Stockton	\$ 8,632.12
Dos Reis Logowear, Lodi	\$ 9,226.09
Lodi Screen Arts, Lodi	\$10,236.79
Athletic Supply Co., Stockton	\$10,488.12
Impact! Promotions, Stockton	\$11,228.09
Gary's Signs, Lodi	\$11,665.55
Lodi Sporting Goods, Lodi	\$12,499.00

Part of the cost of this purchase will be offset by program registration fees. The Department expects to purchase about 350 Flag Football shirts in September, 1,200 Junior Basketball shirts in December and 75 Junior Volleyball shirts in February 1999.

After a lengthy discussion, Mayor Sieglock made a motion, Mann second, to reject all bids for the Recreation Program T-shirts and to direct staff to review the bidding process. The motion **failed** by the following vote:

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

After additional discussion, the City Council, on motion of Council Member Johnson, Pennino second, adopted Resolution No. 98-118 awarding the contract for Recreation Program T-shirts for fiscal year 1998-99 to the low bidder, Emporium Products of Stockton, in the amount of \$8,632.12, and directed staff to review the bidding process by the following vote:

Ayes: Council Members - Johnson, Land, Mann and Pennino

Noes: Council Members - Sieglock (Mayor)

Absent: Council Members - None

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 consider Weed Abatement proceedings involving various parcels within the City limits of Lodi to allow property owners having objections to the proposed removal of weeds to be heard and given due consideration.

Fire Marshal Raddigan provided the following report to the City Council.

At the City Council meeting of July 1, 1998, the Lodi City Council adopted Resolution No. 98-108 declaring weeds a public nuisance and initiating abatement proceedings on various parcels throughout the City.

Pursuant to State of California Government Code §29500 et seq., a Notice to Destroy Weeds and Remove Rubbish, Refuse, and Dirt was published, mailed under Declaration of Mailing to each of the involved property owners, and posted on the subject properties as determined by the City Attorney and Fire Inspector. The purpose of this public hearing is for property owners having any objections to the proposed abatement to be heard and given due consideration.

The Fire Department advises that since the adoption of Resolution No. 98-108 numerous property owners have abated the weeds on their property.

Hearing Opened to the Public

There was no one wishing to speak on this matter.

Public Portion of Hearing Closed

**ACTION:**

The City Council, on motion of Mayor Pro Tempore Land, Johnson second, unanimously adopted Resolution No. 98-123 entitled, "A Resolution Overruling Objections And Proceeding With Abatement Before The City Council Of The City Of Lodi In The Matter Of Weed Abatement Proceedings".

- 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 Resolution/Order to Vacate the south 174 feet of Sacramento Street.

Public Works Director Prima reminded the City Council that at its regular meeting of July 1, 1998, the City Council adopted a resolution of Intention to Vacate the south 174 feet of Sacramento Street reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said street, and referred the matter to the Planning Commission.

This street abandonment was initiated by City staff at the request of Gerald Vanderlans and E. J. Ebel, two of the three property owners who would be affected by the proposed abandonment. The third property owner is the City of Lodi which owns the Sacramento Street sanitary lift station site.

The Planning Commission, at its meeting of July 22, 1998, held a hearing to determine public need, present or future, for this street. Victor Schuh, representing Gerald Vanderlans, owner of Vanderlans and Sons, Inc. and 1320, 1325, 1328 and 1345 South Sacramento Street, stated the abandonment is needed to allow room for rapid growth. Additional parking is also needed and an area for loading and unloading their trucks. Without the street abandonment, they are limited on their plans for an expansion. The Planning Commission, after hearing testimony, determined that the proposed abandonment would not be detrimental to the City's circulation system and is in keeping with the principles of the General Plan.

Pacific Bell, MediaOne, PG&E, and City of Lodi utilities have all indicated the proposed abandonment is acceptable if it is approved on the condition that a permanent easement be reserved as indicated above.

In addition, maintenance and access issues need to be resolved via an agreement between the three affected property owners. Staff recommends that the City require the following as conditions of the abandonment:

- Curb, gutter, and sidewalk be constructed across Sacramento Street to clearly delineate the end of the public street.
- Permit 24-hour access along with a clear pathway to the lift station site and an area adjacent to the lift station that is free from obstructions of sufficient size for maintenance equipment.
- All maintenance costs of abandoned right of way are to be borne by Mr. Vanderlans and Mr. Ebel.
- The City, as a property owner fronting onto Sacramento Street, is entitled to a portion of the abandoned right of way which will amount to approximately 550 square feet. The City will retain the right to use up to this amount of square footage or property in front of the lift station for its future expansion, if needed.

Hearing Opened to the Public

1. Victor Schuh, 882 Alder Place, Lodi, spoke in support of the proposed vacation of the south 174 feet of Sacramento Street.

Public Portion of Hearing Closed

**ACTION:**

The City Council, on motion of Council Member Pennino, Sieglock second, unanimously adopted Resolution/Order No. 98-121 entitled, "A Resolution Of The Lodi City Council Declaring Its Intention To Vacate The South 174 Feet Of Sacramento Street".

8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Mayor Pro Tempore Land, Johnson second, unanimously rejected the following claims:

*Continued August 5, 1998*

1. Leslie Maldonado, date of loss 9/27/97
  2. Garry Geer, date of loss 5/16/98
- b) The following report was presented to the City Council:
1. Planning Commission reports of July 8, 1998 and July 22, 1998
- c) The City Council, on motion of Mayor Sieglock, Pennino second, unanimously made the following appointments/reappointments to the Greater Lodi Area Youth Commission.

Further, Council Member Pennino directed the City Clerk to re-examine the terms set forth by the City Council and adjust them accordingly if it was appropriate to do so.

**Greater Lodi Area Youth Commission**

*Student appointees:*

Andrea Daniel	Term to expire August 30, 2000
Mena Khan	Term to expire August 30, 2000
Mike Rouzer	Term to expire August 30, 2000
Bobby Whitmire	Term to expire August 30, 2000
Ashleigh Krueger	Term to expire August 30, 1999
Summer Pennino	Term to expire August 30, 1999
Alisha Ann Thawley	Term to expire August 30, 1999

- d) City Clerk Reimche provided for information a letter from MediaOne regarding new premium packages and premium rate adjustments effective September 8, 1998.

9. **REGULAR CALENDAR**

- a) Agenda item #H-1 entitled, "Introduction of ordinance amending Lodi Municipal Code Title 16 - Subdivisions, adding Chapters 16.22 and 16.23 relating to the merger of contiguous parcels and lot line adjustments".

City Attorney Hays informed the City Council that the City currently has in place a rather cumbersome process for the approval of lot-line adjustments. In this process all such requests must be heard and approved by the Planning Commission. The proposed ordinance would streamline the process for approval of lot-line adjustments by placing the authority to approve routine requests at the staff level. Empowering staff to approve lot-line adjustments is appropriate due to the very limited discretion involved in these matters. Government Code §66412(d) limits the City's review of lot-line adjustments to whether or not such adjustment is consistent with the City's zoning and building codes. If the proposed parcel is consistent with the City's zoning and buildings codes, the request must be approved.

The City also currently requires a hearing before the Planning Commission for the approval of voluntary lot mergers. Such mergers can be proper when two contiguous lots are owned by the same person and such merger is not otherwise inconsistent with the City's zoning and building codes. Such mergers may be necessary, for example, when a person buys adjacent lots within a subdivision and desires to build upon, or very near, the existing property line or when a landowner desires to combine two or more smaller industrially zoned parcels to allow for use by a larger tenant.

Lot-line adjustments and voluntary mergers are not subject to the provisions of the Subdivision Map Act.

The proposed ordinance allows the Community Development Director to approve these routine matters or to refer them to the Planning Commission, at his discretion, should the issues raised be complex, controversial or should there otherwise be the need for a public meeting on the subject. Referral of these matters to the Planning Commission will likely be very rare.

By streamlining the approval process for the vast majority of these matters which are routine in nature, this ordinance will help the City to provide faster and more efficient service to its clients. This ordinance has been brought before the City Council at the request of the Community Development Department and members of the Planning Commission.

The City Council, on motion of Council Member Johnson, Pennino second, unanimously introduced Ordinance No. 1661 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Title 16 - Subdivisions By Adding Chapters 16.22 And 16.23 To The Lodi Municipal Code Relating To The Merger Of Contiguous Parcels And Lot-Line Adjustments".

- b) Agenda item #H-2 entitled, "Introduction of ordinance amending Lodi Municipal Code Title 15 - Buildings and Construction, adding Chapter 15.31 relating to weed and refuse abatement".

City Attorney Hays informed the City Council that the proposed ordinance provides a clear, concise and consistent process for the abatement of weeds within the City. The proposed ordinance would help to eliminate any confusion created by the City's current procedure, which can be confusing and cumbersome.

The City currently performs the abatement of weeds twice annually using procedures set forth in State statutes. The proposed ordinance would clarify and streamline this abatement process.

Currently each parcel proposed for weed abatement must come before the Council at least twice. First, for a declaration of public nuisance and second to approve the amount of any lien. Under the proposed ordinance, weeds are generally declared to be a public nuisance, thus eliminating the need for repetitive, separate declarations by the Council. But, fairness is still ensured because a person aggrieved by an erroneous abatement order by staff is provided an opportunity to appeal that order promptly, prior to the City or the property owner incurring any abatement expense. Thus, while the initial hearing before the Council would no longer be a matter of routine, such a hearing may be held should extenuating circumstances arise. Under the proposed ordinance the Council will continue to affirm the abatement costs incurred prior to the imposition of a lien. All property owners who may become liable for such costs will be notified prior to the imposition of a lien. All property owners who may become liable for such costs will be notified of the hearing and their right to attend and register any protest.

The proposed ordinance also provides for the summary abatement of weeds posing an immediate threat to public health, safety or welfare and the recovery of costs incurred by the City for such summary abatements.

The City Council, on motion of Council Member Johnson, Land second, unanimously introduced Ordinance No. 1662 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Title 15 'Buildings And Construction' Of The Lodi Municipal Code By Adding Chapter 15.31 Relating To Weed And Refuse Abatement".

*Continued August 5, 1998*

10. ORDINANCES

None.

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

There was no one wishing to speak on this matter.

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

- a) Council Member Pennino announced that Wet N' Wild will be held at Lodi Lake for young people between the ages of 13 and 19 on Saturday, August 8, 1998.

Council Member Pennino also announced that the Lodi Adopt-A-Child Shopping Spree will be held at Mervyn's on Saturday, August 8, 1998 between 7:30 and 9:30 a.m.

Further Council Member Pennino invited the community to attend the British Car Show, Beer Fest and Chili Cook Off being in held in downtown Lodi between 4:00 p.m. and 9:00 p.m. on Saturday, August 8, 1998.

- b) Mayor Pro Tempore Land spoke about the closing of Sun West Discount Liquor and grocery store on the corner of Lower Sacramento Road and Kettleman Lane. Mayor Pro Tempore Land indicated that the Anagnos family had been in business in Lodi for 40 years and spoke about their many kindness' to people down on their luck. Mayor Pro Tempore Land stated that this community will truly miss them and wished them good luck as we bid them good-bye.

- c) Mayor Sieglock commented on the very successful August 4, 1998 National Night Out indicating that members of the City Council did a ride-along with Lodi Police Officers. The Mayor commended all the various groups who participated in making this such an outstanding event.

Mayor Sieglock spoke about his being corrected on his pronunciation of Loel as it pertained to the Loel Center. The Mayor stated that Shelby Young, the Director of the Center gave him the correct pronunciation advising that Loel was derived from the words "Lodi's elderly".

The Mayor also advised that on August 21, 1998 at Salas Park and on August 22, 1998 at the Payless Market parking lot in Lockeford citizens may deposit household hazardous waste products they wish to dispose of.

Following receipt of the City Council's tacit concurrence, Mayor Sieglock indicated that he would prepare a letter on behalf of the City Council supporting the personal income tax credit mechanism for the vehicle license fee reduction. This mechanism will not reduce or eliminate city and county vehicle license fee revenues, which are so critical to local governments. This letter is being sent to Senator Johnston and Assemblyman Bowler.

Mayor Sieglock indicated that the B.O.B.S. will be holding their Volunteer Coaches Barbecue on August 8, 1998 at Micke Grove Park.

13. CLOSED SESSION

Mayor Sieglock adjourned the City Council meeting to a Closed Session to discuss the following matters:

*Continued August 5, 1998*

- a) Conference with labor negotiator: Government Code §54957.6. Agency negotiator, Joanne Narloch. Employee organization, Lodi Police Dispatchers Association (LPDA)
- b) Conference with labor negotiator: Government Code §54957.6. Agency negotiator, Joanne Narloch. Employee organization, San Joaquin Public Employees Association (SJPEA) for Maintenance and Operators
- c) Conference with labor negotiator: Government Code §54957.6. Agency negotiator, Joanne Narloch. Employee organization, San Joaquin County Public Employees Association (SJPEA) for General Services
- d) Conference with labor negotiator, Human Resources Director Joanne Narloch, regarding Confidential Employees pursuant to Government Code §54957.6

14. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 9:25 p.m., and Mayor Sieglock disclosed the following actions:

There was no final action taken on items 1, 2 or 4.

On item 3, the Mayor announced that the City Council ratified the Memorandum of Understanding (MOU) with the San Joaquin Public Employees Association (SJPEA) for General Services.

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 9:25 p.m.

ATTEST:

Alice M. Reimche  
City Clerk