

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
WEDNESDAY, JANUARY 2, 1985

A regular meeting of the City Council of the City of Lodi was held beginning at 7:30 p.m. on Wednesday, January 2 1985 in the City Hall Council Chambers.

ROLL CALL Present: Council Members - Hinchman, Pinkerton, Reid, and Snider (Mayor)
Absent: Council Members - Olson
Also Present: City Manager Glaves, Assistant City Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Attorney Stein, and City Clerk Reimche

INVOCATION The invocation was given by Pastor Darrell Thomas, 1st United Methodist Church

PLEDGE The Pledge of Allegiance was led by Mayor Snider

PRESENTATIONS There were no awards, or presentations or proclamations presented at this meeting

CONSENT CALENDAR

REPORTS OF THE CITY MANAGER In accordance with report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Hinchman, Reid second, approved the following actions hereinafter set forth.

CLAIMS CLAIMS WERE APPROVED IN THE AMOUNT OF \$1,608,743.10

MINUTES THE MINUTES OF NOVEMBER 7, 1984 AND DECEMBER 5, 1984 WERE APPROVED AS WRITTEN.

AWARD - ASPHALT MATERIAL FOR LAST HALF OF F.Y. 1984-85 City Manager Glaves presented the following bids which had been received for Asphalt Materials for the second half of F. Y. 1984-85:

SEE PAGE NO. 2

RES. NO. 85-01 On recommendation of the City Manager, Council adopted Resolution No. 85-01 awarding the contract for Asphalt Materials for the second half of F. Y. 1984-85 as follows:

Claude C. Wood Company - Item No. 1A, B and C
Item No. 2A, B and C

ITEM REMOVED FROM AGENDA With the tacit concurrence of the Council, Agenda item e-1-D "Approve Cedarwood Subdivision Map was removed from the Agenda.

BURGUNDY VILLAGE SUBDIVISION MAP APPROVED COUNCIL APPROVED THE FINAL MAP AND SUBDIVISION DOCUMENTS FOR TRACT NO. 1691, BURGUNDY VILLAGE, AND AUTHORIZED THE CITY MANAGER AND CITY CLERK TO EXECUTE THE SUBDIVISION AGREEMENTS ON BEHALF OF THE CITY.

Council was apprised that Bennett Development, Inc., et al, developers of Burgundy Village, have furnished the City with the necessary Agreements, Improvement Securities and fees for the proposed subdivision. This 5-acre subdivision is located north of Noma Ranch subdivision and south of Kettleman Lane and is zoned R-2. It contains 32 single-family lots.

CITY OF LODI

BIDS FOR ASPHALT MATERIAL

SUPPLIER	ITEM NO. 1			ITEM NO. 2		
	Dense Grade Asphalt Concrete, Type B 3/8". Asphalt binder shall be Viscosity Grade AR-4000 Paving Asphalt.			Dense Grade Asphalt Concrete, Type B 1/2". Asphalt binder shall be Viscosity Grade AR-4000 Paving Asphalt.		
	A F.O.B. Plant (500 Tons)	B Stockpile City Limits (100 Tons)	C Hopper of Paver (300 Tons)	A F.O.B. Plant (50 Tons)	B Stockpile City Limits (50 Tons)	C Hopper of Paver (50 Tons)
<u>Claude C. Wood Co., Clements</u>						
Cost Per ton including tax	\$ 21.73	\$ 25.07	\$ 26.55	\$ 21.73	\$ 24.80	\$ 26.29
Plus: City cost for mileage	<u>4.85</u>	_____	_____	<u>4.85</u>	_____	_____
TOTAL	\$ 26.58	\$ 25.07	\$ 26.55	\$ 26.58	\$ 24.80	\$ 26.29
<u>Granite Construction Co., Stkn</u>						
Cost per ton including tax	\$ 24.38	\$ 27.83	\$ 29.15	\$ 23.85	\$ 27.30	\$ 28.62
Plus: City cost for mileage	<u>6.28</u>	_____	_____	<u>6.28</u>	_____	_____
TOTAL	\$ 30.66	\$ 27.83	\$ 29.15	\$ 30.13	\$ 27.30	\$ 28.62

Continued January 2, 1985

2/4/85

PLANS AND SPECS FOR CHURCH STREET TREE REPLACEMENT 1985 APPROVED COUNCIL APPROVED THE PLANS AND SPECIFICATIONS FOR "CHURCH STREET TREE REPLACEMENT - 1985 - LODI AVENUE TO LOCKEFORD STREET" AND AUTHORIZED THE ADVERTISING FOR BIDS THEREON.

2/4/85

SPECS FOR WATTHOUR METERS AND TRANSFORMERS APPROVED COUNCIL APPROVED THE FOLLOWING SPECIFICATIONS AND AUTHORIZED THE ADVERTISING FOR BIDS THEREON:

- a) Purchase of 576 Watthour Meters
b) Purchase of six 37.5 KVA, Twelve 50 KVA, ten 75 KVA and four 100 KVA single-phase padmount transformers.

2/4/85

RES. NO. 85-02 COUNCIL ADOPTED RESOLUTION NO. 85-02 ESTABLISHING A STOP SIGN AT ADOBE AND CHURCH STREET.

RES. NO. 85-03 COUNCIL ADOPTED RESOLUTION NO. 85-03 ESTABLISHING A STOP SIGN AT SCHLENKER AND CHURCH STREET.

2/4/85

STOP SIGNS ESTABLISHED AT ADOBE AND CHURCH AND SCHLENKER AND CHURCH STREETS

2/4/85

ACCEPTANCE OF "MAIN STREET STORM DRAIN" COUNCIL ACCEPTED THE IMPROVEMENTS IN "MAIN STREET STORM DRAIN WALNUT TO PINE" AND DIRECTED THE PUBLIC WORKS DIRECTOR TO FILE A NOTICE OF COMPLETION WITH THE COUNTY RECORDER'S OFFICE.

PUBLIC HEARINGS Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Snider called for the Public Hearing to consider the Planning Commission's recommendation for the adoption of a Specific Plan for the future development of West Tokay Street from Lower Sacramento Road west, to the General Plan Limits.

2/4/85

SPECIFIC PLAN FOR THE FUTURE DEVELOPMENT OF WEST TOKAY STREET FROM LOWER SACRAMENTO ROAD WEST, TO THE GENERAL PLAN LIMITS ADOPTED

The matter was introduced by Public Works Director Ronsko, who presented diagrams of the subject area and responded to questions as were posed by the Council.

There were no persons in the audience wishing to speak on the matter, and the public portion of the hearing was closed.

ORD. NO 1343 INTRODUCED

Council Member Reid then moved for introduction of Ordinance No. 1343 adopting a Specific Plan for the future development of West Tokay Street from Lower Sacramento Road west, to the General Plan limits. The motion was seconded by Mayor Pro Tempore Hinchman and carried by unanimous vote of all those present.

2/4/85

PLANNING COMMISSION

No meeting of the Planning Commission had been held since the last report was made to the City Council at its December 19, 1984 meeting.

2/4/85

COMMUNICATIONS CITY CLERK

2/4/85

CLAIMS

On recommendation of the City Attorney and L. J. Russo Insurance Services, Inc., the City's Contract Administrator, Council, on motion of Council Member Reid, Hinchman second, denied the following claims and referred them back to L. J. Russo Insurance Services, Inc.:

- a) Home Insurance vs City of Lodi DOL 11/26/84
b) Hintz vs City of Lodi DOL 11/2/84

Continued January 2, 1985

11/14
11/14
REQUEST FROM
AMERICAN RED
CROSS REQUESTING
FUNDS

Following introduction of the matter by the City Clerk, Council, on motion of Council Member Pinkerton, Hinchman second, with regret and not wishing to establish a precedent denied the request from the American Red Cross for a grant of \$500.00 for the purchase of supplies for CPR SATURDAY. City Clerk Reimche was directed to correspond with the American Red Cross regarding the Council's action in this matter and the reasons for it.

11/14
PUBLIC HEARING
RE REVENUE
SHARING SET

Following introduction of the matter by City Clerk Reimche, Council, on motion of Mayor Snider, Hinchman second, set a Public Hearing for the Regular Council Meeting of January 16, 1985 at 7:30 p.m. to consider uses for Revenue Sharing Funds.

COMMENTS BY
CITY COUNCIL
MEMBERS

Mayor Pro Tempore Hinchman wished everyone a very Happy New Year.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

11/14
11/14
FOWL PRESENTED
TO CITY FOR
DR. NORMAN KING

Mr. David J. Sherman presented the City of Lodi with a dancing partner for Dr. Norman King, who had recently performed his infamous "CHICKEN SCRATCH" to raise funds for Hutchins Street Square. Mr. Sherman dubbed the fowl "KING A' LA CHICKEN" and continued his presentation expounding the many virtues of the "bird".

11/14
11/14
NEPOTISM IN CITY
EMPLOYMENT

Mr. J. Anthony Abbott, Attorney-at-law of the firm of Mayall, Hurley, et al, addressed the Council presenting the following information which was contained in a letter addressed to the Lodi City Council dated December 27, 1984:

"As you know, the undersigned appeared at the City Council Meeting on December 19, 1984, to bring to the Council's attention the case of Michael Faught, whose application for employment by the City of Lodi Fire Department is currently pending. As regards the facts of the case, I refer you to my letter of December 18, 1984, which by now you should have received. At the meeting of December 19, I was informed by the Mayor and by Mr. Stein that it was not proper for the Council to overrule the decision of the City Manager, Henry Glaves, with regard to Mr. Faught. Rather, the City Council could only grant relief by amending its policy, contained in Resolution Number 83-15, and applying that amendment to Mr. Faught's case. It is to this question that this letter is addressed.

The pertinent portion of Resolution 83-15 is (2), which allows the City to refuse employment to any person who has a relative already working in the department, division, or facility, where application for employment is made. I am sure that the language of the exception is well known to you, but for convenience sake I repeat it here:

"2. To refuse to place both spouses or relatives in the same department, division, or facility where such has the potential for creating adverse impact on supervision, safety, security, or morale, or involves potential conflicts of interest."

As stated in my previous letter, I have been informed by Mr. Stein and Mr. Glaves that normally this exception would be applied on a case by case basis, and judged by the merits of the particular situation. However, Mr. Glaves stated that in the case of the Police Department or Fire Department, employment would be refused uniformly. That is, the existence of a familial relationship alone would preclude employment by one in Michael Faught's position.

If this is in fact the City's policy as applied, it is certainly not a policy which can be deduced from an examination of the language of the Resolution. Nowhere in the language is the Police Department or Fire Department specifically mentioned by name. There is simply the general statement to the effect that where determination is made that employment of two relatives in the same department has the potential for creating supervision, safety, security or moral problems, the City reserves the right to refuse employment. This would seem to imply, as Mr. Stein and Mr. Graves have indicated, that a case by case evaluation will occur.

The policy as applied by the City Administration in the case of the Fire Department and Police Department, and specifically in the case of Michael Faught is an easy standard to apply: Once the determination of familial relationship has been made, the decision follows automatically. However, while this standard is easy on those making the employment decision, it is very hard on those against whom the standard is invoked. Conceivably, Michael Faught could be the best fireman in the land, and he would still be denied employment based solely on his familial status.

In deciding whether you wish to amend your Resolution 83-15 to change this policy, you must of necessity ask yourselves "is this the result we intended?" If not, the solution would seem to be to amend the Resolution to give the City Administration more specific guidance as to how it is to decide whether family members may be placed in the same department. In this connection, it should be noted that Police and Fire Departments across the Country have long employed fathers and sons together. We have all heard of "police families" in cities such as New York and Los Angeles, where generation after generation of fathers and sons have served in the police department. It is the wide perception that this type of tradition builds esprit, commitment, and dedication. One such case which appeared in the news some months ago was that of Stockton Police Officer Cecchetti who was tragically killed in the line of duty. Officer Cecchetti's father, of course, is Julio Cecchetti, the Stockton Chief of Police. To our knowledge, there has been no adverse fallout from this situation, of calls from the community for a policy prohibiting employment or more than one family member in the same department.

Of course, where there is a demonstrated potential for nepotism, such as that situation described in (1) of the Resolution or where it is demonstrably probable that employment of relatives in the same department would create difficulties of the type described in the Resolution, the Resolution would seem to have a rational basis. However, we do not think that it was the intention of the Council, when it enacted Resolution 83-15, to bar in all cases employment of more than one family member by the Police or Fire Departments. Hence, if the Council feels it necessary to amend its Resolution to create its intended result, I would suggest that (2) of Resolution 83-15 be amended to read as follows:

"2. To refuse to place both spouses or relatives in the same department, division, or facility, when it is demonstrably probable that such placement will create adverse impact on supervision, safety, security, or moral, or involves demonstrably probable conflicts of interests."

Under the foregoing standard, Michael Faught could and would be hired by the City of Lodi as a Fireman. This is true because, as everyone agrees, there are no specific facts in Mr. Faught's situation which speak against his employment other than his familial status itself. In other words, it is not demonstrably probable that his employment will cause problems in the area of supervision, safety, security, or moral; in fact, in view of his support from the community and from the Department itself, all indications are that his employment will have the opposite effect.

Thank you for your attention to the foregoing. We look forward to presenting Michael Faught's case in further detail at the Council Meeting of January 2, 1985.

Sincerely,

MAYALL, HURLEY, KNUTSON, SMITH & GREEN

BY: s/J. Anthony Abbott"

A very lengthy discussion followed with questions being directed to the City Manager, City Attorney, Fire Chief MacLeod and other members of the Staff who were present.

On motion of Mayor Snider, Hinchman second, Council directed the City Attorney to draft an amendment to current City policy that would restrict the hiring of relatives (of second consanguinity) within the same department by the City Manager, Council, employees with appointive authority or employees with supervisorial responsibilities. The City Attorney was further directed to have the subject draft available for discussion by the Council at a future Informal Informational Meeting.

The motion carried by unanimous vote of all Council Members present.

Mayor Snider directed the City Manager not to fill the vacant Firefighter position until this matter is resolved.

RECESS

Mayor Snider declared a 5 minute recess, and the Council meeting reconvened at approximately 9:50 p.m.

LODI POLICE
DEPARTMENT
C-CAP GRANT

Chief of Police Floyd Williams advised the City Council that his department had just received word of the approval of the Department's C-CAP Grant Application. Captain Hanson presented an overview of the Grant application process, and some of the provisions and conditions of the Grant which included staffing requirements. A lengthy discussion followed with questions regarding the matter being directed to Chief Williams and Captain Hanson.

On motion of Mayor Snider, Hinchman second, Council accepted the C-CAP Grant contingent upon the condition that the City be able to hire the required personnel under an 18 month contract. The continued employment of the subject personnel will be contingent upon the continuation of the grant and Council approval.

CERTAIN POLICE
DEPARTMENT FEE
AMENDED AND
OTHERS ESTABLISHED

Following introduction of the matter by Chief Williams, Council, on motion of Council Member Hinchman, Reid second, adopted Resolution No. 85-04 amending fees for the processing of certain applications by the Police Department and the establishment of certain other charges relating to Concealed Weapons Permits and Photographs.

RES. NO. 85-04

REQUEST FROM
DART CONTAINER
CORPORATION TO
DEFER STREET
IMPROVEMENTS ON
MYRTLE STREET

Council was presented with an exhibit depicting the parcel map which divides the Teresi property into two parcels. The parcel split includes a 16 acre parcel on the west side of Myrtle Street and Dart Container Corporation's 29 acre parcel on the east side of Myrtle Street.

A copy of the City Code outlining the City's off-site improvement and dedication requirements was presented for Councils' perusal. These requirements indicate that when a development takes place, similar to the proposed Dart Corporation development, that certain standard off-site improvements must be installed fronting the property being developed. Under Section 5-22, the City may defer all or portions of the required improvements if the Public Works Director determines that it's in the City's best interest to cause all of the work to be done on an area-wide basis. In this particular case, because the construction of half of Myrtle Street would provide for two travel lanes and a parking lane, and since all of the required utilities are being installed in the Myrtle Street alignment, and based on requirements made of other industrial developments, the Public Works Department has required that the Myrtle Street improvements (i.e. curb, gutter, sidewalk and street paving) go in at this time.

Therefore, Dart Container Corporation is appealing to the City Council, under Section 5-28 of the City Code, that the Myrtle Street improvements fronting their property not be required until the adjacent Myrtle Street property develops.

Since Dart Corporation is not developing along the Pine Street frontage of their property at this time, the Pine Street improvements are not being required now.

Following discussion, with questions being directed to Staff, Council, on motion of Council Member Reid, Snider second, granted the request of Dart Container Corporation to defer street improvements on Myrtle Street, and authorized the Public Works Director to sign the Dart Container Corporation Parcel Map as being technically correct.

DART CONTAINER
CORPORATION IDA
APPLICATION

Mayor Snider advised Council that the Bond closing for Dart Container Corporation had been completed at 11:00 a.m. on December 31, 1984 and congratulated Staff for its efforts in this matter.

POLICE CANINE
CORPS PROGRAM
REINSTITUTED

Following a presentation by Chief of Police Williams regarding the Police Canine Corps, with questions being posed by Council, on motion of Council Member Pinkerton, Snider second, Council authorized the Police Department to reinstate the Police Canine Corps Program.

LOT LINE ADJUST-
MENT, LOTS 66, 67
AND 68 MOKELUMNE
VILLAGE

Following introduction of the matter, Council, on motion of Council Member Pinkerton, Reid second, adopted Resolution No. 85-05 approving a Lot Line Adjustment between Lots 66, 67, and 68, Mokelumne Village Subdivision (i.e., 140 Mokelumne River Drive and 1059 and 1053 Miwok Drive).

RES. NO. 85-05

SELF INSURANCE
FOR DENTAL CARE
BENEFITS

Assistant City Manager Glenn apprised the City Council that as a way of further controlling costs of employee health care benefits, Staff has explored means of providing similar benefits at reduced costs or expanded benefits at the same cost.

An excellent means of accomplishing this is to self fund - that is, the city will pay directly the fees charged by the provider. The major advantages of taking this approach are:



- 1) Any savings are the cities not the insurance company's
- 2) The interest on necessary reserves belongs to the City and not the insurance company
- 3) No surprises from large premium increases - we monitor the history of paid claims on a monthly basis

In all fairness, the plan is not without some risk:

If an inordinate amount of usage is experienced the City is liable for that. However, if this happened under our present plan the present carrier would raise premiums the following year and we would pay for those claims a year later.

The City has asked Delta Benefit Plans, our agent for employee benefits, to explore the feasibility of a self funded program for dental care benefits.

Delta Benefit Plans has submitted a program administered by California Dental Service for the City of Lodi. Mr. McCormack has also done a cost project for us based on our past experience and indicates we should have first year savings in excess of \$12,000.

The proposed program provides the same basic benefits as our present plan so there will be no reduction in service to our employees. It also includes a stop-loss provision which will cap the cities liability.

Council is requested to authorize the establishment of a self funded program for dental care benefits.

Following discussion with questions being directed to Staff, Council, on motion of Mayor Pro Tempore Hinchman, Reid second, approved the self funding of dental care benefits for the City of Lodi as outlined, which program is to be administered by the California Dental Service. This program will be effective as of January 1, 1985.

PURCHASE OF XEROX
1035 FOR PARKS
AND RECREATION
APPROVED

Council was informed that in December 1976, the City of Lodi purchased a Xerox 4500 copier which served us well until early 1984. In July 1984, the City obtained new copying equipment and moved the old Xerox 4500 to the Parks and Recreation Department which had need for a copier.

The service contract for the 4500 is \$185.00 per month, plus tax and extra copies. At the present rate of usage, our maintenance costs will be approximately \$2400 a year. The City can purchase a smaller unit which is more compatible with the needs of the Parks and Recreation Department than the 4500. The Xerox 1035 has a purchase price of \$3,795.00 plus tax and we will receive \$1,850.00 credit on the 4500, a net difference of \$2,172.00. The maintenance costs on this equipment are estimated to be \$650.00 per year. By purchasing the new equipment which has a lower maintenance cost, the City will recover the entire purchase price of the equipment in approximately 15 months.

Council is requested to authorize the City Manager to purchase a Xerox 1035, the funds to come from the 12 fund.

Following disucssion, Council, on motion of Council Member Reid, Hinchman second, approved the purchase of a Xerox 1035 for the Parks and Recreation Department at a cost of approximately \$2,200.00, which amount is to be charged to the 12 Equipment Fund.

ORDINANCES

REDESIGNATING 3.17 ACRE PARCEL AT 2430 WEST TURNER ROAD, LODI FROM COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL

Ordinance No. 1341 - An Ordinance redesignating a 3.17 acre parcel at 2430 West Turner Road, Lodi, from Commercial to Medium Density Residential, having been introduced at a regular meeting of the Lodi City Council held December 19, 1984 was brought up for passage on motion of Council Member Reid, Hinchman 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:

ORD. NO. 1341 ADOPTED

Ayes: Council Members - Reid, Hinchman, Pinkerton, and Snider (Mayor)

Noes: Council Members - None

Absent: Council Members - Olson

AMENDING P-D (1) SO THAT THE SUBJECT PARCEL CONFORMS TO THE REQUIREMENTS OF THE R-GA, RATHER THAN C-S

Ordinance No. 1342 - An Ordinance amending P-D (1), Planned Development District No. 1, so that the 3.17 acre parcel at 2430 West Turner Road, Lodi, conforms to the requirements of the R-GA, Garden Apartment Residential District rather than the C-S, Commercial Shopping District having been introduced at a regular meeting of the Lodi City Council held December 19, 1984 was brought up for passage on motion of Council Member Reid, Hinchman second, Second reading of the Ordinance was omitted after reading by title, and the Ordinance was then adopted and ordered by print by the following vote:

ORD. NO. 1342 ADOPTED

Ayes: Council Members - Reid, Hinchman, Pinkerton, and Snider (Mayor)

Noes: Council Members - None

Absent: Council Members - Olson

ADJOURNMENT

There being no further business to come before the Council Mayor Snider adjourned the meeting at approximately 11:15 p.m. to a Closed Session of the Council pertaining to Personnel matters to be held at 7:00 a.m., January 16, 1985.

Attest:

Alice M. Reimche
Alice M. Reimche
City

Clerk