

Mayor Hitchcock pointed out that this matter is addressed on tonight's agenda under **Item I-4**.

Mr. Price replied that making a purchase and remedying the problem are two different things. He reiterated that nothing has been done in the way of remedial work to take care of these hazards.

Council Member Land reported that he measured the catch basins in the surrounding area of his home and found the opening to be four inches. In Mr. Price's neighborhood the openings were 15 inches. He acknowledged that the City made a mistake and would correct it.

Wally Sandelin, City Engineer, stated that staff has brought a mock up to the meeting of how it intends to retrofit the existing basins by installing a bar across the face. Two trial remediations have been made in the field and staff is prepared to proceed with installation within a week,

- Dale Edwards introduced himself as a citizen of Lodi and pastor and spiritual leader in the community. He recently read an article in *The Record* about the adult bookstore and litigation against the City. He commented on changes that have taken place over the past 30 years, which he saw as a deterioration of society. He had chaired a committee addressing issues of internet pornography and found that it is commonly believed that every rape has its roots in pornography. He stated that the purveyors of pornography are not productive citizens, are only concerned with making money, and contribute to the destruction of society. Mr. Edwards believed that the framers of the nation had in mind the idea of public descent, the ability to speak out on issues that dealt with government, and policies of community living. The idea of immoral values being so promoted as to be protected by the voice was never in their mind. In that day, moral virtue, modesty, and decency were protected from those who advanced moral corrupting influences, Mr. Edwards stated that today there are laws and courts, especially on the "left side," that seem to be much more liberal in their espousing of these vile manners. He believed that the citizens of Lodi and other communities in the country have backed down to these strong voices that stand against right moral values. He felt that leaders have a responsibility to protect the moral conduct of a community and he stood strongly against anything that would deteriorate the City's adult oriented business ordinance,

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- Mark Bowman stated he has two children on the City's Dolphin swim team. He had received a notice from the Parks and Recreation Department that the team was being eliminated. He provided written communication to Council outlining questions and requests (filed). He complained of a lack of communication on this issue and asked that the matter be placed on the next Council agenda. He noted that verbal assurances have since been made that the Dolphin team will not be eliminated and asked the City Manager to direct the Parks and Recreation Department to send out notices to the 117 swim members that are affected by this action.

City Manager Flynn acknowledged that he signed the letter last Friday that was sent to members of the Dolphin swim team. After a subsequent meeting with the Parks and Recreation Department, it was believed to have been a bad decision and the City's position was reversed. The matter will be discussed at the July 8, 2003, Shirtsleeve Session. Letters will be mailed to effected parties by this Friday informing them that the team will continue for the rest of the season.

- George Mull informed Council that he was the attorney that City Attorney Hays was quoted as calling a "scumbag" in today's newspaper, *The Record*, and he asked for an apology. Mr. Mull stated that he was a sixth-generation Californian, came from a prominent line of attorneys in northern California, and has done a great deal of work for civic causes and charities. Mr. Mull reported that he called the ethics hotline at the American Bar Association and received confirmation that it was alright to speak to a represented party that has an attorney, because in this case, the party consists of public officials. He stated that a settlement offer was given to the City on May 20, 2003. This was done following discussions with Deputy City Attorney Schwabauer who had asked that the offer be put in writing and indicated that it would be placed on a City Council agenda for consideration the following

filed 6-18-03  
Mark Bowman

## LODI CITY COUNCIL ACTION REQUEST

Made by the Dolphins Summer Swim Team on June 18, 2003

As a result of the recent attempt by the Lodi Parks & Recreation Department to eliminate our team from competing in the 2003 summer swim program, the Dolphins request that the Lodi City Council direct the city manager to investigate the actions of the Parks & Recreation Department to determine the basis for the attempted elimination and whether proper procedures were followed. The results of the investigation should be submitted as an agenda item for the next Council meeting. The purpose of the investigation would be to avoid similar disruptions and hardship to team families in the future and make any improvements in procedures and communication that may be warranted. Specifically, Parks & Recreation should answer the following questions in writing:

1. What was the reason for eliminating the Dolphins?
2. Why was the reason for eliminating the Dolphins never put in writing and delivered to the Dolphins head coach (or stated in the Parks & Rec June 13 notice terminating the team)?
3. Why is Parks & Rec allowed to address critical issues such as eliminating a team or removing team members on the basis of verbal instruction alone?
4. Why were the Dolphin parents never notified by Parks & Rec before it took action?
5. Why were the Dolphins told to remove swimmers from their team when those same swimmers had been previously authorized by Parks & Rec to be on the team?
6. Why did Parks and Rec characterize the Dolphins as "inequitable" when:
  - A. our team has never won a championship;
  - B. the team numbered less than the maximum authorized by the Summer Swim League By-Laws; and
  - C. Parks & Rec advised us that team points would no longer be kept at championships?
7. Why were members of competing teams advised that the Dolphins would be eliminated before the Dolphins were told?
8. Why did City Manager H. Dixon Flynn initially authorize the elimination of the Dolphins and then reinstate the team?
9. Why shouldn't Parks & Rec be required to mail a written notice of reinstatement to all Dolphin members as well as all coaches of competing teams which includes a public apology for unnecessarily disrupting our team's membership and schedule as well as casting negative light on our excellent coach without good reason?

Respectfully submitted, The Dolphins



**Parks and Recreation Department**  
*Creating community through people, parks & programs*

June 13, 2003

Dear Dolphin Swim Team Members:

We are writing to inform you that there will not be a Twin Arbors Dolphin swim team participating in the City summer swim league program. We will be happy to either exchange your registration for a complete refund or transfer you to a Parks and Recreation swim team. If you choose to transfer, please indicate your team preference from the list below and return this letter with your choice in the enclosed postage paid envelope by Friday, June 20, 2003. If we do not receive a returned letter by June 20, 2003, we will process a refund.

Participants Name:

\_\_\_\_\_  
\_\_\_\_\_

- |                          |                 |                          |                |
|--------------------------|-----------------|--------------------------|----------------|
| <input type="checkbox"/> | <b>Marlins</b>  | <input type="checkbox"/> | <b>Sharks</b>  |
| <input type="checkbox"/> | <b>Piranhas</b> | <input type="checkbox"/> | <b>Tritons</b> |
| <input type="checkbox"/> | <b>Seals</b>    | <input type="checkbox"/> | <b>Refund</b>  |

The Lodi Parks and Recreation Department tries to offer the best quality service to the public. We hope this does not discourage you or any member of your family in participating in other activities we offer and we look forward to hearing from you in the future.

If you have any questions or concerns, please feel free to contact our office at 333-6742. Office hours are 8:00 a.m. to 5:00 p.m., Monday – Friday.

Thank you for your understanding and we apologize for any hardship this may have imposed on you and your child.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Alberti".

Jennifer Alberti  
Recreation Supervisor

JA:tl