

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 2, 2000
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Hitchcock, Land, Nakanishi, Pennino and Mann (Mayor)

Absent: Council Members – None

Also Present: City Manager Flynn and City Clerk Reimche

Seated at the staff table were: Public Works Director Prima, Community Development Director Bartlam and Finance Director McAthie

Other staff members were seated in the audience.

2. INVOCATION

The invocation was given by Pastor Steve Newman, First Baptist Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Mann presented the February Community Improvement Award to Robert Casalegno, the proprietor of the Java Stop located at 321 South Hutchins Street, Lodi.
- b) Mayor Mann presented a proclamation to Alan Goldberg, with the American Heart Association, proclaiming the month of February as “American Heart Month” in the City of Lodi.
- c) Theresa Yvonne, Arts Coordinator, updated the City Council on the many activities and accomplishments of the Lodi Arts Commission. Further, Ms. Yvonne introduced representatives from the Stockton Symphony, who presented a report on its upcoming family concert.
- d) Mayor Mann presented a Certificate of Recognition to Dax and Dawn Rodriguez, who are the proud parents of Tayler Michelle, the first official baby of the new millennium in Lodi.

5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$2,794,764.75.
- b) The minutes of January 19, 2000 (Regular Meeting) were approved as written.
- c) Agenda item #E-3 entitled, “Investment Account Disclosure” was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- d) Approved the specifications for 2000 Sidewalk Repair Program and Miscellaneous Concrete Work and authorized advertisement for bids.

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- e) Approved the improvement agreement addendum for the Bridgetowne, Unit No. 2 development, and directed the City Manager and City Clerk to execute the addendum on behalf of the City.
 - f) Agenda item #E-6 entitled, "Public Benefits Program Grant – Farmers & Merchants Bank, Demand-side Management Project" was pulled from the agenda pursuant to staff's request.
 - g) Adopted Resolution No. 2000-12 approving a Public Benefits Program grant in the amount of \$8,075 to fund a Comprehensive Energy Engineered Analysis for a demand-side management project for United Congregational Church. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
 - h) Agenda item #E-8 entitled, "Resolution to support the passage of Proposition 14, 'The California Reading and Literacy Improvement and Public Library Construction Bond Act of 2000'" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
 - i) Agenda item #E-9 entitled, "Resolution to support the passage of Proposition 22, 'California Protection of Marriage Initiative'" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
 - j) Set Public Hearing for February 16, 2000 to consider and approve funding proposals from the community and City staff for expenditures of the City's 2000-01 Federal Allocation of Community Development Block Grant (CDBG) and HOME funds.
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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-3 entitled, "Investment Account Disclosure".

Finance Director McAthie noted that the investment report is currently included in the monthly executive report distributed to Council. SB564 requires local agency treasurers to submit a report on investments at a public meeting. The City of Lodi has an investment policy, which is submitted to Council for approval on an annual basis. In addition to the quarterly report on investments in the City of Lodi pooled money investment account, a breakdown Treasury Inventory by type has been included in a chart format. Also included is the most current report of the Local Agency Summary of Investment Data and the State of California pooled money investment account market valuation.

The City of Lodi maintains membership in the California Municipal Treasurers Association (CMTA) and conforms to guidelines set forth by the CMTA investment report committee. The Finance Department will continue to include the investment report monthly as part of the executive report.

Council Member Pennino asked that, pursuant to the investment policy, that funds be invested into other financial institutions.

Following further discussion, the City Council, on motion of Council Member Pennino, Nakanishi second, unanimously accepted the quarterly report of the City of Lodi pooled money investment account as required by SB564.

- b) Agenda item #E-8 entitled, "Resolution to support the passage of Proposition 14, 'The California Reading and Literacy Improvement and Public Library Construction Bond Act of 2000'".

Library Services Director Martinez provided the following report and responded to questions as were posed by the City Council.

Proposition 14 offers the Lodi Public Library the opportunity to compete for state funds to finance a portion of the cost to renovate our library building. The major provisions of Proposition 14 allow for use of the funds for renovations as well as new construction. The program favors joint use and cooperative agreements between library jurisdictions and school districts.

Governor Davis signed SB3 in September 1999. The March 7th ballot measure requires a simple majority to pass.

At the January 10, 2000 meeting, the Library Board of Trustees endorsed Proposition 14 and authorized the Library Services Director to present a proposal to the City Council for endorsement of the proposition.

The Library is currently in the study and planning stage of a remodel of the present library facility. The Library Board of Trustees' Long-Range Planning Committee is providing community input regarding facility needs and services.

Council Member Nakanishi reiterated the point he made at previous meetings regarding propositions, in that he is opposed to the issuance of more bonds, particularly when the State has a surplus of funds.

Following further discussion, the City Council, on motion of Council Member Hitchcock, Pennino second, adopted Resolution No. 2000-13 supporting the passage of Proposition 14 "The California Reading and Literacy Improvement and Public Library Construction Bond Act of 2000" by the following vote:

Ayes: Council Members – Hitchcock, Land, Pennino and Mann (Mayor)

Noes: Council Members – Nakanishi

Absent: Council Members – None

- c) Agenda item #E-9 entitled, "Resolution to support the passage of Proposition 22, 'California Protection of Marriage Initiative'".

Prior to discussion on this matter, Council Member Hitchcock expressed her strong opinion that this is not a matter that should be discussed or voted upon by the City Council. **Therefore, Council Member Hitchcock abstained from discussion and voting on this matter, and vacated her seat at the Council table.**

City Manager Flynn reported that the initiative to protect marriages in California is an initiative supported by a bipartisan coalition of Democrats, Republicans and Independents, civic and community organizations, church groups and thousands of every day Californians who believe that "only marriage between a man and a woman is valid or recognized in California". These 14 words which are the entire text of the proposition will appear on the March 7, 2000 primary ballot as Proposition 22.

Speaking on the matter were the following persons:

1. Ms. Evelyn Trovinger, 1456 West Tokay Street, Lodi, indicated she had not received a copy of the voter pamphlet for this election and asked when she might expect to receive it. She was advised that a copy was available in the City Clerk's office.
2. Ken Owen, Director, Christian Community Concerns, Lodi stated that he was here in support of Proposition 22 and to defend traditional marriages.
3. Reid Cerney, 900 West Pine Street, Lodi voiced his opposition to Proposition 22 stated that same gender marriages are performed in other states and the fact that these marriages will have to be recognized by the State of California. Mr. Cerney urged the City Council to withhold support of Proposition 22.

4. Robin Knowlton, 410 West Oak Street, Lodi urged the City Council to vote no on Proposition 22. She stated she feels the State and citizens should recognize gay marriages and the right to adopt children. She stated she feels that marriage needs to be more inclusive.
5. Rich Thawley, 931 West Woodbridge Road, Lodi urged the City Council and the citizens of this community to vote yes on Proposition 22. He stated he feels very strongly that families and marriages need protecting. He stated he does not want other states to be the deciding factor in California as it pertains to same sex marriages.
6. Audrey Boyd, 17429 Guild Avenue, Lodi stated we must do what is best for the nation. She expressed her strong view that the gay lifestyle is a very destructive lifestyle.

Following additional discussion, the City Council, on motion of Mayor Mann, Pennino second, adopted Resolution No. 2000-11 supporting the passage of Proposition 22 "California Protection of Marriage Initiative" by the following vote:

Ayes: Council Members – Land, Nakanishi, Pennino and Mann (Mayor)

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – Hitchcock

(City Council requested that City Attorney Hays rule on the matter of abstention. In checking with the City Attorney, he provided this ruling, with written information to be provided by him to Council.)

7. PUBLIC HEARINGS

None.

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 Council Member Pennino, Mann second, unanimously rejected the following claims:

1. Walter Clemmons Jr., date of loss 6/27/99
2. Jeff Gross, date of loss 7/18/99
3. Tokiko Inoshita, date of loss 11/24/99
4. Patricia Novinger, date of loss 12/2/99

- b) The City Council, on motion of Council Member Hitchcock, Land second, unanimously directed the City Clerk to post for the following expiring terms on the East Side Improvement Committee:

East Side Improvement Committee

Ruth Gastelum-Jimenez	Term to expire March 1, 2000
Harry Marzolf	Term to expire March 1, 2000
Ann Larson	Term to expire March 1, 2000

- c) The City Council, on motion of Council Member Pennino, Hitchcock second, unanimously made the following reappointment:

Site Plan and Architectural Review Committee (SPARC)

Don Kundert	Term to expire January 1, 2004
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- d) The City Council, on motion of Council Member Pennino, Hitchcock second, unanimously created the Ad Hoc Skatepark Steering Committee and made the following appointments:

Ad Hoc Skatepark Steering Committee

Adult Advisors:

Dennis Cunnington, Adult Co-Chair	Unspecified Term
David Vaccarezza, Adult Co-Chair	Unspecified Term

Youth Appointees:

Adam Fiori	Unspecified Term
Mike Alberg	Unspecified Term
Jared Callahan	Unspecified Term
Chris Fox	Unspecified Term
Mike Graffigna	Unspecified Term

Speaking on the matter were the following persons:

1. Robert Padden, 18600 Olive Street, Woodbridge cautioned the City Council to make sure they do not interfere with the serene conditions of city parks with the installation of a skateboard park.
2. Chris Fox, 2238 West Tokay Street, Lodi asked if an indoor park had been ruled out. He stated he was told that discussions were really just commencing regarding the matter and that no decisions had been made.
3. Lori Hummel, Ham Lane, Lodi urged the City Council to go forward with construction of a skateboard park because Lodi needs something for Lodi skateboarding youngsters. She concluded that if other communities can do it, Lodi should be able to provide one for its young people.

9. **RECESS**

Mayor Mann called for a fifteen-minute recess, and the City Council meeting reconvened at approximately 8:55 p.m.

10. **REGULAR CALENDAR**

- a) Agenda item #H-1 entitled, "Report to Council on Financial Audit for Fiscal Year 1998-99".

Finance Director McAthie reported that the annual audit was conducted to reassure the City Council and other interested parties that the City's financial records and reports are prepared in accordance with generally accepted accounting principles (GAAP), that internal controls are adequate to safeguard the City against loss from unauthorized use or disposition of assets and that the City has complied with all agreements and covenants to obtain grant funds and debt financing. KPMG LLP has issued an "unqualified opinion".

The reports will be provided to Federal and State oversight agencies, bond trustees and insurance companies for their review and evaluation.

Certificate of Achievement

The City received a Certificate of Achievement for Excellence in Reporting from the Government Finance Officers Association (GFOA) and the California Society of Municipal Finance Officers (CSMFO) for the sixth year in a row.

Acknowledgments

The Accounting staff of the Finance Department must be commended for their hard work and professionalism in preparing the City's Annual Financial Reports. It is due to their dedication to excellence and to the City that made Lodi recognized by the auditors and other professional financial organizations.

Denise Price, Partner with KPMG, provided detailed information regarding the audit and answered questions as were posed by the City Council.

Following discussion, the City Council received for file the following reports and financial statements submitted by KPMG LLP and the Finance Department for Fiscal Year 1998-99:

- The Combined Annual Financial and Single Audit Report
- The Management Letter
- The SAS 61 Report (Report to City Council)

- b) Agenda item #H-2 entitled, "Report on Waste Discharge Requirements Hearing (White Slough Water Pollution Control Facility Discharge Permits).

Public Works Director Prima presented a report regarding the outcome of the California Regional Water Quality Control Board hearing on January 28, 2000 concerning the White Slough Discharge Permit.

Mr. Prima presented the City Council with a diagram depicting the Old Point of Compliance and the Point of Discharge/New Point of Compliance (a copy of which is on file in the City Clerk's Office).

In addition, the following points were discussed:

Discharge Requirements Update (December 1999)

- Difficult Negotiations on Major Issues
 - Compliance schedule in permit desired
 - Dilution/Mixing credit for trace pollutants
 - No tertiary disinfection without Basin Plan update
 - Reasonable limits for Lindane
- SB709 – Immediate Fines
 - Could be \$100,000/year or more
- Schedule of Events
 - Formal submitted by December 17, 1999 deadline
 - Hearing; scheduled for January 28, 2000; may be in March

"New" Items in Permit

- Mercury "limit" – requires improved monitoring, provides "interim" limit with delayed effective date.
- Pretreatment program monitoring
- Evaluation of non-food processing waste discharges to industrial system
- Additional groundwater monitoring
- Toxicity workplan

Regional Board Hearing

- Board staff presentation included revised permit
- Comments made by City staff
- Public Comments
 - DeltaKeeper (wanted Bis-2, electrical conductivity (EC), groundwater degradation, mercury limits and better detection limits)
 - California Urban Water Agencies (supported permit with tertiary, plus wanted virus and total organic carbon monitoring and increased TDS, EC monitoring)

Adopted Permit

- Our Issue:
 - Compliance Schedule in Permit
 - No Cease and Desist Order

- Result:
 - Time schedule in permit
 - Aggressive, but reasonable
 - Full compliance by May 1, 2004
 - **NO** Cease and Desist Order
 - Includes major effluent requirements (BOD, Bacteria, Turbidity, Cyanide, Zinc, Lead, Lindane, Dissolved Oxygen and Temperature)
- Our Issue:
 - Dilution/Mixing Credit for trace pollutants
- Result:
 - No dilution credit, but . . .
 - Compliance is in schedule
 - Slightly higher limits on metals
 - Ability to do site specific study
- Our Issue:
 - No Tertiary without Basin Plan Update
- Result:
 - No change, but . . .
 - Compliance is in schedule
- Our Issue:
 - Reasonable limits for Lindane
- Result:
 - Limit set at detection limit of 0.02µg/l achievable by 20% of labs
 - Compliance is in schedule
- Our Issue:
 - SB709 – Immediate Fines
- Result:
 - Eliminated due to time schedule and removal of Cease and Desist
 - However, we need to show progress

Recommended Actions

- Finish Master Plan promptly
- Work with West Yost and subconsultants on additional studies specified in permit
- Seek grant funding for recycling studies

No Council action was required.

10. ORDINANCES

None.

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Don Lindsay, 384 Valley Avenue, Lodi once again addressed the City Council voicing his opposition to the recently adopted ordinance regarding truck parking in Lodi. Mr. Lindsay presented information pertaining to US Code, Title 49, Section 31114 stating that it was his opinion that this Code would invalidate the City of Lodi Ordinance. He further stated it appears that he cannot influence Council Members regarding this matter but that he can influence businesses and voters.

The City Clerk was directed to provide the City Attorney with a copy of the US Code, Title 49 as was presented by Mr. Lindsay to allow the City Attorney to review the document.

- b) Jane Lea, 1931 Holly Drive, Lodi stated she and her children were crossing the street at from Lodi Lake Park at Turner and Loma. A Lodi police officer was in the first lane going east on Turner. Only the cars behind the officer stopped, all other vehicles in all directions kept on driving through the intersection while her two children were dodging from being hit. Ms. Lea stated a pickup swerved and she watched the officer put her hands on her face contemplating the worst. She pleaded with the City Council to go forward the appropriate installation of a stop light in this very dangerous location and voiced her opinion that she was very disappointed the police officer did not go after the driver of the pickup truck.

Discussion followed with Council Member Land stating he too feels this is a very dangerous crosswalk and that he feels that something needs to be done. Council Member Pennino stated he is concerned that the police officer did not go after the violator and asked that the City Manager talk to the Police Chief to see that in the future this type of thing is pursued.

The following members of the Lodi Fire Department addressed the City Council:

- a) Sandy Wichman stated he had not received information from the City Manager that was promised him. Further, Mr. Wichman stated that Fire Department personnel are very upset to find out that it was the City Manager who faxed the salary information to the Stockton Record, even though at the last meeting he denied doing so. At the last Council meeting, the City Manager had also indicated that he would only give out salary ranges.
- b) Rod Cordero stated that for some time Lodi firefighters, while negotiating under a total compensation criteria were making contributions as high as +20% to PERS. He stated that now that there is a surplus, the City is no longer interested in negotiating a "total compensation" package.
- c) George Juelch commented on the newspaper reporting of the \$200 plus meal that Mayor Land had provided for the firefighters. He further stated he understands that \$250,000 had been refunded to the City (by PERS) which went into the general fund. If this is inaccurate, the firefighters would like to be informed. He stated they were told that the City did overpay and that they are entitled to a refund. He stated the firefighters are not being treated fair. He further stated that nobody can define "equity points" which was brought up during negotiations, they would certainly like to have a full explanation of this. He stated they are not going away and again reiterated that the Council is not being fair with the firefighters.
- d) Bryan Jungeblut stated he wonders why overtime is an issue. It was not an issue where he worked before.
- e) Rick Gerlack stated that there is so much distrust. He took a lot of stuff in his efforts to build bridges with Council and the City Manager. He stated that the City Council needs to put down the foundation for bridge building. He stated that mistreatment and mistrust is going on here.
- f) Jason Meyer told of his disappointment in the City Manager's comments to the newspapers regarding the Lodi firefighters reduced risk factor inasmuch as they do not contend with high-rise building fires. He detailed to the City Council the very dangerous situation Lodi firefighters found themselves in while fighting a fire of an old building on Elm Street, just west of Sacramento Street. He stressed that he felt Lodi firefighters risk factor is every bit as high as Stockton firefighters.
- g) Joe Hansen complimented Council Member Land for his concerns regarding relations with Lodi firefighters. He further thanked Council Member Hitchcock for her concerns relating to the City of Lodi work force and her efforts to make this be a part of the City's goals and objectives.

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- g) Lodi Firefighter Jeff Larson stated he isn't sure how they will start to build bridges; that distrust has become commonplace.
- h) Eileen St. Yves, Lodi resident, spoke about the Lodi firefighters who had responded to a call at her apartment complex and the outstanding job that they had done in containing the fire. She was so impressed with their professionalism.
- i) Brian Rux, 1121 Downing Street, Lodi stated that he had been watching the meeting at home and wanted to speak before the Council. He stated that distrust had been here for a long time, and stated that this town is a "cover-up". He talked about the recent death of a young child involving a vehicle driven by a police officer.
- j) Tim Wise, 1706 Robert Street, Lodi stated that he had been watching this on TV and felt he needed to come to the meeting and address the City Council to stress that he would like to see this get resolved and taken care of.

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

- a) Council Member Land stated that he and Marcia had just become grandparents for the third time. Granddaughter Ashley Jean weighed in at 8 pounds and was 20-3/4" long.
- b) Council Member Hitchcock brought up the subject of City Council travel expenses, stating that she would like this subject on the next agenda. She stated that she would like to see more flexibility in the process and stated that new Council Members in order to become grounded in their new role have the need to attend more conferences and workshops. Also, Council Members who serve their cities on State and National Committees have the need for additional funding to attend meetings of these various committees.

Council Member Hitchcock then reported on a recent League of California Cities Employee Relations Institute she attended.

13. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at approximately 11:05 p.m.

ATTEST:

Alice M. Reimche
City Clerk