

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 16, 2000
7:00 P.M.**

1. ROLL CALL

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

Absent: Council Members – None

Also Present: Deputy City Manager Keeter, City Attorney Hays and City Clerk Reimche

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

Other staff members were seated in the audience.

2. INVOCATION

The invocation was given by Natalie Reyes, representing the Bahai'i.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scout Troop No. 199.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

a) Mayor Mann presented Certificates of Appreciation to the members of the Year 2000 Steering Committee in appreciation for their serving on this committee and in providing fun-filled, educational activities for the children and families of this community leading up to the new millennium.

b) Julia Rough, member of the Greater Lodi Area Youth Commission, acknowledged the Teen of the Month, Melissa Altnow from St. Mary's High School, and the Honorary Teen of the Month, Kevin Sakai from Lodi High School.

c) Mayor Mann presented a Certificate of Appreciation to Ruthann Mize, Manager – Health and Human Services with General Mills, for its participation in providing 100 snacks per day to the children enrolled in the After School Programs at Heritage and Lawrence Schools for the three-year duration of the After School grant.

Further, Mayor Mann presented a Certificate of Appreciation to Bill Meehleis with Meehleis Modular for its contribution in allowing the City to lease a portable classroom at an extremely reasonable rate for the After School Program at the Lawrence School site.

d) Mike Phillips, and his wife Christy, recently visited Lodi, Italy, a Sister City to Lodi. While in Italy, officials from Lodi presented him with momentos for the Lodi City Council, which Mr. Phillips presented this evening to Mayor Mann. In turn, Mayor Mann presented Mike Phillips with a gift from the City to thank him for sharing these gifts with the Council.

e) Dennis Bennett, Chairman with the Hutchins Street Square Foundation, presented Mayor Mann with a check in the amount of \$50,000 toward repayment of its loan for the renovation and construction of the Hutchins Street Square Performing Arts and Conference Center. The total funds received from the Foundation this fiscal year is \$300,000.

5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$2,718,213.08.
- b) The minutes of February 2, 2000 (Regular Meeting) were approved as written.
- c) Accepted the donation of a 1996 Ford F350 flatbed truck from Claude Brown of Ag Industrial Manufacturing (this truck will be assigned to the Police Department Mounted Unit and will replace a 1977 Chevrolet pickup).
- d) Approved the donation of a retired Police Department Crown Victoria to the City of Lone and authorized the City Manager to facilitate the contribution.
- e) Adopted Resolution No. 2000-14 awarding the purchase of sixty Holophane *Prismasphere*® globe-style luminaires to the low bidder, Wille Electric Company, of Stockton, in the amount of \$31,564.72. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- f) Adopted Resolution No. 2000-15 awarding the purchase of one Automatic Watthour Meter Test System to the low bidder, AVO International, of Dallas, TX, in the amount of \$32,325. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- g) Adopted Resolution No. 2000-16 awarding the purchase of eleven units of Padmount Liquid Insulated Vacuum Switchgear to the low bidder meeting the specifications, Trayer Engineering Corporation, of San Francisco, CA, in the amount of \$247,387.80. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- h) Adopted Resolution No. 2000-17 approving the purchase of fifty solid-state time-of-use electric meters in the amount of \$57,500. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- i) Adopted Resolution No. 2000-18 awarding the contract for rental and cleaning of safety clothing to the low bidder AmeriPride Uniform Services, of Sacramento, CA, in the approximate amount of \$8,556 annually. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- j) Agenda item #E-10 entitled, "Removal of olive trees, 400 block of West Oak Street" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- k) Adopted Resolution No. 2000-19 authorizing the City Manager to execute and renew a three-year contract between Lodi Memorial Hospital and the City of Lodi to provide an adult day care facility on a year-round basis at Hutchins Street Square. **(Due to a conflict of interest, Mayor Mann abstained from discussion and voting on this matter.)**
- l) Adopted Resolution No. 2000-20 authorizing the disbanding of the Information Technology Committee.
- m) Adopted Resolution No. 2000-21 authorizing the disbanding of the Year 2000 Steering Committee.

- n) Adopted Resolution No. 2000-22 approving the filing fee of \$200 for Live Entertainment Permits.
- o) Agenda item #E-15 entitled, "Adopt resolution approving the proposed redevelopment survey area" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- p) Agenda item #E-16 entitled, "Revision to United States Department of Energy Western Area Power Administration Contract 92-SAO-20056" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.

6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-10 entitled, "Removal of olive trees, 400 block of West Oak Street".

Public Works Director Prima presented the following report and indicated that there have been a number of citizen inquiries regarding this matter.

The eight olive trees located on the south side of West Oak Street have been the subject of ongoing citizen complaints to the Public Works Department for many years. The complaints mainly involve the mess created by olives which fall on sidewalks and lawns, plus allergies. We have attempted to control the nuisance of fruit droppings by spraying, which is often ineffective, and by trimming the trees, which is not practical in the long run. Because the olive trees are next to a sidewalk, they are a possible liability risk with their fruit droppings.

However, while the trees are very old, they are still healthy and the City's tree policy discourages their destruction. Staff has looked into relocating the trees and has found that they can be moved within the Lodi area at a cost comparable to that of just removing them and grinding the stumps. We propose to use an informal bid process supplemented by a newspaper advertisement to seek bids for the trees. Staff anticipates receiving similar requests from other locations where we have olive trees. Unless Council gives us other direction, we propose to follow a similar process at those locations.

Staff has spoken to the adjacent property owners and involved parties and we anticipate replacing these trees with cork oak trees.

Speaking on the matter was Naomi McCallum Carey, 402 West Oak Street, Lodi, who indicated that the City abandoned the care of Lodi's trees for about three years during less affordable times, which has helped these trees to grow out of control. Mrs. Carey expressed her opinion that she is not in favor of disbursing these trees throughout the community and is also concerned about replacing the subject trees.

A lengthy discussion then took place among the City Council with questions being directed to staff.

Following the original motion, which was then amended, the City Council, on motion of Council Member Land, Nakanishi second, unanimously authorized the removal of the eight olive trees located on the south side of the 400 block of West Oak Street, with the understanding that staff will find homes for the trees by means of an informal Request for Proposals (RFP), and directed staff to work with the neighboring community to come up with a mutually-agreed upon replacement tree.

- b) Agenda item #E-15 entitled, "Adopt resolution approving the proposed redevelopment survey area".

Following the request by Council Member Hitchcock, Community Development Director Bartlam presented the following background information regarding this matter.

The City Council is required to designate a survey area by resolution as the first planning step to determine whether a redevelopment project within that area is feasible. The resolution designating the area must contain a finding that the area requires study to determine the project's feasibility. The designation of the survey area is important because the final project area for the redevelopment plan must be within the boundaries of the survey area. For this reason, staff recommends an area that is probably larger than what the final plan will encompass. The designation of a survey area does not have any legal impact on properties within the area.

The area staff proposes closely follows the area that Council has toured in the past several years. It includes the area bounded by Kettleman Lane on the south, School Street to the west, Turner Road to the north and Highway 99 to the east. In addition, staff suggests the downtown area to Hutchins Street and the older industrial area east of Highway 99.

After this step in the process, our consultants will finalize the feasibility study and present that to the Agency Board.

Community Development Director Bartlam then responded to questions as were posed by the City Council.

The City Council, on motion of Council Member Hitchcock, Pennino second, unanimously adopted Resolution No. 2000-23 designating the redevelopment survey area.

- c) Agenda item #E-16 entitled, "Revision to United States Department of Energy Western Area Power Administration Contract 92-SAO-20056".

(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)

Business Planning & Marketing Manager Stone presented the following report at the request of Mayor Pro Tempore Nakanishi.

Western Contract 92-SAO-20056 allocates power from the Central Valley Project to the City of Lodi. Of the 13.236 megawatt Western allotment, only 5.173 megawatts are designated Long-Term Firm Power. The remainder is designated Westlands Withdrawable Power. Western has been informed by Westlands that withdrawals will begin this calendar year. In order to help alleviate the impact, Western is offering to provide replacement power. The new Diversity Power allotment will be 4.276 megawatts and will be available to help meet City load from March through July this year as long as Western can meet its maximum load level limit.

Following additional discussion and questions, the City Council, on motion of Council Member Hitchcock, Nakanishi second, adopted Resolution No. 2000-24 authorizing the City Manager to execute Exhibit A, Revision 3 to United States Department of Energy Western Area Power Administration Contract 92-SAO-20056 with the City of Lodi by the following vote:

Ayes: Council Members – Hitchcock, Land, Nakanishi and Mann (Mayor)
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Pennino

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 Mann called for the Public Hearing 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.

(Due to a conflict of interest, Council Member Land abstained from discussion and voting only on the CDBG request from Lodi House.)

Community Development Director Bartlam presented the following report.

The City will receive \$734,293 in CDBG funds and \$216,671 in HOME funds from the Federal government for the coming fiscal year. Staff is presenting the reallocation of \$182,045.12 of CDBG funds from previous years projects which have an unused balance. The reallocation of those CDBG funds gives us a total of \$916,338.12 to allocate this year. Requests for funding totaled \$916,338.12. CDBG funds can be used to address a wide range of community needs such as, park improvements, ADA retrofits, and other community organization based projects. Federal HOME funds, on the other hand, must be used to address housing and housing related activities such as housing rehabilitation and new construction.

Community Development staff met on February 7, 2000, with a representative of Parks and Recreation, Public Works, and the City Manager's office to discuss the above mentioned proposals. Staff agreed to recommend funding for each applicant in the amount requested, with the exception of the following item:

- Lodi Boys and Girls Club's request for \$22,100 for interior/exterior improvements was reduced to \$20,000 due to some ineligible expenses which were calculated into their budget.

For HOME funding, staff received one request from Habitat for Humanity, and is recommending their request for \$80,000 for them to either purchase vacant land for their construction of affordable owner-occupied housing, or purchase an existing single-family residential property in order to rehabilitate it. Any surplus in their allocated funding after acquisition can be used for the related development costs for those projects as well.

Staff has recommended allocating the remaining \$136,671 in HOME funding to our existing Housing Assistance Loan Programs: Down Payment Assistance, Owner Occupied Housing Rehabilitation, and Rental Housing Rehabilitation.

Hearing Opened to the Public

1. Paul Rengh, representing the San Joaquin County Food Bank, 704 East Industrial Park Drive, Manteca, spoke in support of its request for CDBG funding.

Public Portion of Hearing Closed

ACTION:

The City Council took the following actions with regards to the CDBG and HOME funds:

- On motion of Council Member Pennino, Hitchcock second, unanimously adopted Resolution No. 2000-25a approving the projected use of funds for the 2000/2001 Community Development Block Grant (CDBG) and HOME entitlement, ***with the exception of the request from Lodi House***; and
- On motion of Council Member Pennino, Hitchcock second, adopted Resolution No. 2000-25b approving the projected use of funds for the 2000/2001 Community Development Block Grant (CDBG) and HOME entitlement for the Lodi House in the amount of \$25,000 by the following vote:

Ayes: Council Members – Hitchcock, Nakanishi, Pennino and Mann (Mayor)
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Land

8. RECESS

Mayor Mann called for a ten-minute recess, and the City Council meeting reconvened at approximately 8:45 p.m.

9. 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 Land, Nakanishi second, unanimously rejected the following claims:

1. Christopher Harr, date of loss 8/7/99
2. Jill Nastasia, date of loss 12/10/99
3. Arvisto Martinez, Jr., date of loss 10/1/99

b) City Clerk Reimche announced that there is currently one vacancy on the Lodi Arts Commission. Anyone interested in applying was urged to contact the City Clerk's Office.

c) The City Council, on motion of Hitchcock, Land second, unanimously made the following reappointments to the East Side Improvement Committee:

East Side Improvement Committee

Ruth Gastelum-Jimenez	Term to expire March 1, 2003
Harry Marzolf	Term to expire March 1, 2003
Ann Larson	Term to expire March 1, 2003

10. REGULAR CALENDAR

a) Agenda item #H-1 entitled, "Public Benefits Program Grant – Farmers & Merchants Bank, Demand-side Management Project".

Prior to any discussion on this matter, City Attorney Hays presented the following report regarding the three Council Member abstentions on this item.

At the City Council meeting of February 2, 2000, this matter regarding the City's Public Benefits Program Grant to the Farmers & Merchants Bank appeared on the agenda, and is again before the Council at this time. Apparently due to articulated conflicts by three members of the Council, a situation was created where there was the lack of a quorum to conduct business relative to this item. This circumstance has been anticipated both in the Political Reform Act and in the common law.

Section 87101 of the Political Reform Act provides that the Act does not prevent a public official from making or participating in the making of a governmental decision to the extent that the participation is legally required for the body to act or render a decision. Under the common law it is known as the Rule of Necessity.

Clearly what is needed in this circumstance is for one Council Member to be rehabilitated under those theories in order to again create a Council quorum so that action can be taken. In Re Hudson, No. 77-007, 4FPPC OPS 13, the most frequently used process to arrive at the member who among the disqualified members will participate is to engage in a random draw. This method has been recommended to the City Clerk, and she will have the facilities available to accommodate a random draw prior to the Council considering this item. This is not the only manner in which a Council Member could be selected in order to constitute a quorum; however, rock, scissors, paper or flipping a coin do not seem to have as much decorum associated with them as a draw would.

Once the draw is completed and a winner (loser?) is known, the Council may then act since they will have a quorum of three. The Council Member who had the conflict must prior to acting on the item clearly state what the conflict was that caused them to be disqualified initially. Once that is done the Council may then move to act on the item.

City Clerk Reimche conducted the random drawing among Mayor Mann and Council Members Land and Pennino. The draw resulted in Mayor Mann being rehabilitated and once again becoming a part of the quorum. Mayor Mann stated that his conflict, which disqualified him initially, was that he is a stockholder in Farmers & Merchants Bank.

(Due to a conflict of interest, Council Members Land and Pennino abstained from discussion and voting on this matter.)

In his Council Communication, Electric Utility Director Vallow reported that Farmers & Merchants Bank embarked upon a tenant improvement project for the second floor of their main office, located at 121 West Pine Street, in late 1999. The project is nearing completion.

As part of the tenant improvements, Farmers & Merchants Bank has installed a number of energy efficient products and materials, including:

- High efficiency air conditioning units and variable air volume boxes;
- State-of-the-art fluorescent lighting (compact fluorescent, T-8 lamping, electronic ballasts); and
- Energy Management System (designed to provide optimum efficiency of HVAC and lighting system).

Based upon the products and materials installed, Farmers & Merchants Bank should realize energy savings in excess of 10 percent on a monthly basis. The Public Benefits Program, administered by the City of Lodi Electric Utility, provides a 25 percent matching grant (25% of the materials cost) for commercial/industrial customers who install energy conservation measures, such as fluorescent lighting, highly efficient HVAC systems, day-lighting opportunities, increased wall or ceiling insulation, etc.

The City of Lodi Electric Utility, in conjunction with its energy services partner (Energy Masters International), has reviewed and approved the materials identified as energy or highly efficient, and respectfully recommends City Council approval of this Public Benefits Program grant.

Following discussion, the City Council, on motion of Council Member Hitchcock, Nakanishi second, adopted Resolution No. 2000-26 approving a Public Benefits Program grant in the amount of \$22,530.75 to Farmers & Merchants Bank as part of a demand-side management project at the bank's 121 West Pine Street main office complex by the following vote:

Ayes: Council Members – Hitchcock, Nakanishi and Mann (Mayor)
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Land and Pennino

- b) Agenda item #H-2 entitled, "Year End Celebration presentation by Dorean Rice".

Dorean Rice, member of the Year 2000 Steering Committee and active member in this community, and Steve Whyte, representing Whyte House Productions, presented a report to the City Council on the Millennium Kids' Night Out event that was held on December 31, 1999.

Further, Ms. Rice and Mr. Whyte presented the feasibility in making this an annual event. A detailed budget for putting on such an event was submitted to the Council, which totaled approximately \$20,778. The Council was apprised that the three local Rotary Clubs were approached regarding their willingness to participate. In addition, it was suggested that the City be the primary financial sponsor for this year-end event.

The City Council applauded the December 31, 1999 event, saying that it was a huge success. Council Member Pennino commented that the City currently has a policy in place that recreational activities have a 30% recovery rate. Additionally, Mayor Mann indicated that, based on a conversation with the City Manager, it was his understanding that the upcoming budget proposal would include \$15,000 to fund this year-end event.

Following further discussion, it was the consensus of the City Council that Dorean Rice and Steve Whyte return to the City Council with a detailed business plan, including a proposal to further involve the downtown merchants and City staff in this event. Further, it was suggested that they seek funding from local service clubs and businesses to help offset the costs.

- c) Agenda item #H-3 entitled, "Water Well #26 site location options within Katzakian Park".

Public Works Director Prima reported that the City needs a new water well in the northwest area and has had plans for several years to include a well with the new Katzakian Park on Turner Road. The Park site layout, which included the water well, was approved by the City Council on January 20, 1999, following the Parks Commission's approval on November 5, 1998. This plan shows the well located off Regent Street. Since then, homeowners adjacent to the Park, specifically those who live on Regent Street, have voiced concerns as to the size and location of the actual well site. A meeting was held in December 1999 with the Bridgetowne homeowners association president, Jeff Zarifis, some residents, and City staff to discuss these concerns. Staff agreed to bring the issue back to the City Council for review.

Several locations within the Park were discussed, along with a request to relocate the well site to the irregularly shaped parcel on the west side of Woodhaven Lane, north of Wine and Roses. This parcel backs up to the WID canal. Several existing City water wells are located adjacent to the WID canal and all have had water-quality problems that may be associated with their proximity to the canal. Therefore, we would not recommend locating a new well immediately adjacent to the canal without substantial water-quality testing.

This well is needed to serve fire flows and additional peak demands due to growth and, in accordance to the Water Master Plan, one is needed in the northwest part of the City. Two test wells were drilled within the Park West and Towne Ranch subdivisions as these areas were developing. These sites were rejected due to water-quality issues and site access problems. Also, DBCP is known to exist in wells further south and west. A test well drilled within Katzakian Park at the proposed location on Regent Street showed no detectable signs of DBCP. Also, a well located within a park reduces costs and minimizes the impacts on adjacent neighbors.

Four well site size and location options within the Park were discussed at the meeting and are shown in the site plan options (on file in the City Clerk's Office) along with an estimate of the additional cost to construct the optional configurations over that shown in Option 1.

- **Option 1** This is the originally-approved site location showing the well, piping, flushing manhole, electrical panel, and room for three potential future GAC vessels within one enclosure (50-foot by 75-foot). Costs for the other optional locations or site configurations are based off this option and what would be required as extra construction costs. This would include new test well costs, additional amounts of block walls, piping, and driveway access concrete. The budget for this well site is \$330,000.

- **Option 2** This option shows a 30-foot by 50-foot enclosure for the well, piping, and electrical panel located off Regent Street, with a 12-foot by 12-foot remote enclosure for the flushing manhole. (This manhole must be at least 50 feet from the well.) The site could be expanded in the future if we need filters (Option 2A) or (if needed) the filters could be installed elsewhere in the park (Options 2B and 2C). The additional enclosure for GAC vessels would be built only if required. For comparison of like options, the additional cost for locating the flushing manhole and GAC remotely from the well is \$26,500 for 2B and less than \$10,000 for 2C. From the standpoint of cost and access, Option 2B is the least desirable of the options.
- **Option 3** This option shows a 30-foot by 50-foot site located adjacent to the parking lot off of Bridgetowne Drive, with a remote enclosure for the flushing manhole. Shown in dashed lines to the south of the site is a future addition for the GAC vessels should they be required. The additional cost for relocating the well to this location would be for the abandonment of the other test well and the drilling of a new one at this site. Some savings incurred with this site are that the water, storm drain, sewer, electrical and phone service lines are considerably shorter. The net cost increase is \$10,600.
- **Option 4** This option shows a 30-foot by 50-foot site located adjacent to the entrance feature at the southwest corner of the Park with a remote enclosure for the flushing manhole. Shown to the southeast, in dashed lines, would be for the addition of GAC vessels as in Option 3. The net cost increase for this site is \$18,000.

Since staff's meeting with the homeowners' representatives, another option of locating the well along the Park's east property line has been suggested by the homeowners. This option would cost significantly more to extend utilities to the well and would add roughly \$60,000 to \$70,000 to the cost of the well. In Option 5, the location proposed requires moving the T-ball/soccer field further west and requires access through the adjacent property. Staff feels that these impacts, plus the additional costs, are not in the best interests of the community.

In all cases, staff proposed that the City retain an architect to design the enclosure and that appropriate screening landscaping be installed around the enclosure.

Public Works Director Prima presented the following diagrams and photographs regarding the subject for the City Council's perusal:

- Diagram of the proposed park layout design;
- Site Master Plan with proposed well site shown in area north of the basketball court;
- Diagram depicting the locations of the City's water wells;
- Diagram depicting the proposed locations of future water wells;
- Photographs of other water well sites in the City of Lodi; and
- Diagram depicting the different options under consideration for the proposed well site.

Mr. Prima concluded his remarks by stating that staff recommends that the well site be located in the area and configured as depicted on Option 3.

Addressing the City Council regarding the matter were the following persons:

1. Gray Plath, 1150 Bridgetown Drive, Lodi, stated that he too agrees that the new Lodi-Woodbridge Winegrape Commission facility is a major showcase of the area. However, residents of the area feel that their homes are also showcases and that the well site would obstruct the beauty of their homes. Mr. Plath further stated that the carbon tanks would be unsightly and would diminish the value of their homes. He concluded his remarks by stating that the community took pride in naming the Park "Bo Katzakian Park", but fears if these plans go forward, it will become Bo Katzakian Industrial Park.

2. Ron Birchard, 1115 Inverness Drive, Lodi, pointed out that where he lives, he would be directly across from the proposed well site. Mr. Birchard stated that they were originally told that the well site structure would be 30' x 30', but now they are hearing dimensions five times that size. He stated that none of the neighbors had heard anything about enlarging the site. He stated that if originally this matter had been handled right, they would not be here tonight. Finally, he stated that he is in favor of Option No. 5, even though it is more costly. He stated that if the City does go forward with Option 5, in years to come, no one is going to question the extra money required to be spent.
3. Jeff Zarifis, 1108 Waterford Way, Lodi, presented a photograph of the filtration tanks that are located at the well site on Kettleman Lane and asked if these were the low profile type. He was told that they were. Mr. Zarifis stated that the wall surrounding the Kettleman Lane well site is 7' tall. He stated that the issue is not the well site, but the tanks. He agrees that they need a quality well and he is sympathetic to the needs of the City. Further he stated that it is not a matter of if the tanks will be needed but when they will be needed. He stated that because of future State regulations that will have to be addressed, the need for the larger site is a given. Mr. Zarifis urged adoption of Option 5 and stated that Mr. Del Smith, owner of Wine and Rose Country Inn, has indicated his willingness to move Wine & Roses' storm drain line in order to accommodate this option.
4. Bob Johnson, 1311 Midvale Road, Lodi, addressed the City Council stating that he was speaking as an individual and not on behalf of the Parks and Recreation Commission. He did, however, state that the last time the Parks and Recreation Commission saw the diagram for this proposed well site, it was much smaller than what is now being proposed. He stated that he would not want to see a structure of the size being proposed located by his home. Mr. Johnson stated that he feels that there is a 7th option, which would be moving the site to the northeast corner of the parcel. He feels that this option would allow for the well site to be out of the way and as unobtrusive as possible, and yet would not significantly impact the fields. He urged that Council consider this option. If Option 7 were not feasible, he would support Option 5.
5. Del Smith, owner of the Wine and Roses Country Inn, talked about the planned removal and/or thinning of the existing Redwood trees. He stated that any location that would place the site all the way back to the northeast corner would be all right. He stated that he feels this back corner would be the most likely place for the site. Mr. Smith stated that if someone else would pay for rerouting Wine & Roses' storm drain line, he would not be opposed to moving it and that he would also be willing to grant an easement. He stated that he is willing to do whatever it takes to make it work.

City Council discussion followed with questions being directed to staff and to those who addressed the City Council regarding the matter. Council Member Hitchcock expressed her concern about a design that would allow dead space and that she would favor it being located up against the wall adjacent to Mr. Smith's property line. Council Member Hitchcock stated that she feels that staff needs to work with Mr. Smith, the Parks and Recreation Commission, and the homeowners to locate this water well in a location that is amicable to all.

Council Member Land thanked everyone for voicing their concerns. He feels that it is important that inasmuch as this area is a gateway to Lodi, we need to make it as attractive as possible. He stated that he felt we should take a little more time to look at this additional option and then stake it out so that residents of the area can have a more realistic vision of the size and location of the proposed well site.

Council Member Pennino stated that he favors Option 7 and Mayor Pro Tempore Nakanishi stated that he favors Option 5.

Mayor Mann proposed that in the interest of time that perhaps this item need not be referred back to the Parks and Recreation Commission.

No formal action was taken by the City Council on the matter. However, Public Works Director Prima was directed to develop an alternative that locates the well at the northeast corner of the park site and to come back to the City Council with a plan at the earliest possible date that addresses the concerns expressed tonight.

11. RECESS

Mayor Mann called for a ten-minute recess, and the City Council meeting reconvened at approximately 10:40 p.m.

12. REGULAR CALENDAR (Continued)

- a) Agenda item #H-4 entitled, "Discussion regarding City Council Travel Policy".

During the Council that during the February 2, 2000 City Council meeting, Council Members requested that staff place Council travel on the agenda for open discussion.

Council Member Hitchcock introduced the matter. She stated that Council Member Pennino is a great monitor of budgets and that he has reminded Council Members to make note of their budgets and not to expend more than the budgeted amount. Council Member Hitchcock stated that she had reviewed her budget and felt that her expenditures were valid even though she had exceeded her \$5,000 budget. She indicated that she is presently serving on a League of California Cities Policy Committee and on a National League Environmental Committee. She stated that she felt such involvement contributed to her effectiveness as a Council Member. Council Member Hitchcock also stated that as a new Council Member she felt it necessary to attend more workshops and training sessions in order to enhance her knowledge as a new Council Member and ground her in this new role.

Mayor Pro Tempore Nakanishi stated that he feels education is a very important element. He further stated that the City of Lodi runs a business with an \$8.3 million Operating Budget and should expect to expend monies for education.

Council Member Pennino commented that he felt that if Council Members attend conferences or workshops where expenses are charged to special funds, then in the budget process, a line item should be included for these anticipated expenses.

Mayor Mann indicated that he does not feel that citizens care what account such expenses are charged to. He further stated that each individual Council Member has to be responsible for his own expenses and feels that this is a non-issue. Council Member Pennino responded that the City presently has a policy in place, but does not feel that we are living within our policy. He suggested that the policy be brought back, reviewed and modified.

Following additional discussion regarding the subject, Council Member Pennino suggested that he and Council Member Hitchcock sit down with the City Manager to review the matter and bring back suggestions regarding the subject.

13. VOTE TO CONTINUE WITH REMAINDER OF MEETING

Pursuant to the Lodi Municipal Code, the City Council, on motion of Council Member Land, Hitchcock second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

14. ORDINANCES

None.

15. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Sandy Wichman, City of Lodi firefighter, quoted the City Manager's recent comments to a local newspaper that Lodi firefighters do not deserve more money, as they do not fight high-rise fires. Mr. Wichman stated that two more firefighters had been lost recently fighting a fire at a McDonalds in Texas.

Mr. Wichman also quoted an article by Mayor Mann, as publisher of the "Lodi Life and Times" a number of years ago, which pointed out the low pay of the firefighters at that time and stating it put them in a category of qualifying for food stamps.

Mr. Wichman again brought up the question of what "equity points" means, and pointed out the various humanitarian efforts Lodi firefighters are involved with.

- b) George Juelch, City of Lodi firefighter, stated that he was disappointed inasmuch as the City Manager at the last City Council meeting had stated that he would come back at tonight's meeting with information regarding the PERS windfall and overpayments.

Mayor Mann stated that the City Council had met last Tuesday in Closed Session regarding this matter and would be meeting again on the subject Tuesday morning, February 22nd.

Council Member Hitchcock stated that she is concerned about the opening of contracts before openers are due. She stated that she had been informed that once before the City had negotiated with the firefighters before the contract was up. It was, however, at a time when there was double-digit inflation and the firefighters were being seriously hurt by the situation.

Mr. Wichman retorted that he felt that the firefighters' present situation is just as dire.

Once again the subject of "equity points" was brought up and questions were posed as to what Ms. Narloch had meant when she made the comment.

- c) Rod Cordero, City of Lodi firefighter, stated that they had been present in a City staff meeting where they were told to look at the numbers and the fact that the contract could be reopened.

Mayor Mann stated that he has been a big supporter of the firefighters since day one and that he has done his best to represent them. He further stated that he felt they were out of line and that there is a contract in force whether or not they like it. He stated that they need to work with the City and that he wants to continue working with them within the limits of the contract.

Mayor Mann indicated that the City Council has never authorized the use of "equity points". He stated that the City Manager will be meeting with them and every other City bargaining unit in the next few months. He concluded his remarks by saying that the City Council does appreciate them, but the City will not throw them a checkbook.

Council Member Pennino stated that he would echo the comments by the Mayor.

Mayor Pro Tempore Nakanishi apprised the firefighters that he is listening.

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

None.

Continued February 16, 2000

17. CLOSED SESSION

Mayor Mann adjourned the City Council meeting at approximately 11:40 p.m. to a Closed Session to discuss the following matters:

- a) Actual Litigation: Government Code §54956.9(a). One case. San Joaquin County Taxpayers Association v. City of Lodi, et al., San Joaquin County Superior Court, Case No. CV009657
- b) Actual Litigation: Government Code §54956.9(a). One case. People of the State of California; and the City of Lodi, California v. Randtron, a dissolved California Corporation, Sacramento County Superior Court Case No. 99AS02335.

18. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 11:48 p.m., and disclosed that there was no final action taken in these matters.

19. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at approximately 11:48 p.m.

ATTEST:

Alice M. Reimche
City Clerk