

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 16, 2000**

A. ROLL CALL

The Regular City Council meeting of August 16, 2000 was called to order by Mayor Mann at 7:02 p.m.

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

Absent: Council Members – None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima, Community Development Director Bartlam, City Attorney Hays and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Doug Hardt, Fairmont Seventh Day Adventist Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scout Troop No. 291.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

1. Community Promotions Coordinator Haynes announced that Career Expo 2000 will be held on Thursday, August 31, 2000 from 10:00 a.m. – 2:00 p.m. at the Carnegie Forum. She explained that this is a team effort by the City of Lodi and San Joaquin County Worknet – Lodi Center. The focus will be Lodi area job seekers, and they will be offering a multitude of job search assistance information including self-assessment tools and training opportunities. Teresa Ramos, Job Search Instructor with Lodi WorkNet, stated that she would also be conducting two job search workshops on-site entitled, "Determining Your Destiny" and "Successful Application/Resume Techniques". A mobile learning center will be on-site, and computer stations will be set up with fax machines, copiers, work stations, and telephones.
2. Following introduction by Special Projects Coordinator, Yvette Maragliano, Mayor Mann presented Certificates of Appreciation to Summer Pennino, Andrea Daniel and Robert Hoffman, retiring members of the Greater Lodi Area Youth Commission.
3. Alisha Thawley, member of the Greater Lodi Area Youth Commission, acknowledged the Teen of the Month, David Bergthold from Lodi High School.
4. Mayor Mann presented a Certificate of Recognition to Lisa Ferrero, US Girls Junior Amateur Golf Champion. Lisa Ferrero, who is a Lodi High School incoming Senior, competed on Saturday, August 5, 2000 for the US Girls Junior Amateur Championship title while playing at Pumpkin Ridge Golf Club in North Plains, Oregon. Ms. Ferrero won the title while maintaining a lead for the last 85 holes during her final four matches. Lisa has played in the No. 1 position for the Lodi High School boys' golf team, has been named the Record's 1999-2000 female athlete of the year, and has held the title of Girls Junior Champion at the Woodbridge Golf and Country Club.
5. Parks and Recreation Director Williamson updated the Council on the various Parks and Recreation programs:
 - Lodi City Swim Club coordinated summer swim championships during the latter part of July for 600+ swimmers.
 - Lodi Youth Commission held its annual Wet 'N Wild event at Lodi Lake.
 - Parks and Recreation employees' appreciation barbecue was held in July.
 - Began work on enhanced lighting and electrical at the softball complex and Armory Park.
 - Lodi was host to a fantasy baseball camp of the San Francisco Dodgers.
 - On Labor Day, the Lodi Sports Foundation will host the 5 – 10 K run, and the City will have a Labor Day celebration in which the entry, boat, and swimming fees at Lodi Lake will be reduced by 50%.
 - The restrooms are being completed at the Grape Bowl.
 - Upcoming events at Lodi Lake include the boat races September 23 – 24 and the Salmon Festival October 14 – 15.

Tom Alexander, liaison to the Boosters of Boys and Girls Sports Organization (BOBS), also provided an update on its activities:

- Played over 900 games, with 2,000 youth, in recreational softball and baseball this year.
- Hosted 6 baseball and softball tournaments this year.
- Working on four score boards at Salas Park and renovations on the press box at Zupo field in honor of Riney Bender.
- The first tackle football home game is August 26; there are two franchises with six teams.
- Last weekend over 5,000 people attended the football jamboree at the Grape Bowl.
- Soccer will begin in September with over 1,600 youth participating, and staff recently met with 71 of the 105 recreational soccer coaches. In addition, basketball sign ups will be done during September.

Mayor Mann then presented a Certificate of Recognition to retiring Parks and Recreation Director Ron Williamson for his many years of dedicated service to this City and the citizens of this community. Mr. Williamson responded that he was proud to represent the City of Lodi and had a wonderful mentor in former Parks and Recreation Director Ed DeBenedetti. He stated that it has been his goal to follow the State of California Parks slogan: "we create community through people, parks, and programs."

COMMENTS BY THE PUBLIC ON CONSENT CALENDAR ITEMS

1. Jeff Zarifis, President of the Bridgetown Homeowners' Association, 108 Waterford Way, Lodi, spoke in regard to agenda item #E-4. Mr. Zarifis indicated that he received a letter from Public Works Director Prima regarding the specifications for Katakian Park; however, he feels there are three items missing: backstops at the softball area, barbecue pits and public restrooms. Mr. Prima responded that they would be included in the park.

E. CONSENT CALENDAR

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

1. Claims were approved in the amount of \$6,129,392.75.
2. The minutes of August 1, 2000 (Special Meeting) and August 2, 2000 (Regular Meeting) were approved as written.
3. Agenda item #E-3 entitled, "Approve plans and specifications, authorize advertisement for bids for installation of streetlights on Avena and Orange Avenues and Cardinal, Park and York Streets (\$77,400) and authorize transfer of funds for the Streetlight Completion Project" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
4. Agenda item #E-4 entitled, "Approve plans and specifications and authorize advertisement for bids for Katakian Park, 2735 West Turner Road" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
5. Approved the specifications for Lane Line Painting, Various City Streets, 2000, and authorized advertising for bids.
6. Adopted Resolution No. 2000-142 authorizing the purchase of five compressed natural gas (CNG) vehicles for Public Works and Police departments, and appropriated funds as necessary.

Continued August 16, 2000

7. Adopted Resolution No. 2000-143 awarding the bid for the purchase of 45 polemount transformers to the bidders whose proposals and equipment meet City of Lodi specifications, and whose transformers are expected to yield the lowest overall life-cycle costs:

Wesco Distribution, San Francisco	7 ea. 25KVA Conventional	\$ 3,884.39
	15 ea. 50KVA Conventional	\$ 11,588.51
	15 ea. 50KVA CP	<u>\$ 12,897.68</u>
		\$ 28,370.58
G E Supply Co., North Highlands, CA	8 ea. 15KVA Conventional	<u>\$ 3,249.74</u>
	TOTAL	\$ 31,620.32

8. Adopted Resolution No. 2000-144 awarding the bid for the purchase of 17 single-phase, and 17 three-phase padmount transformers to the bidders whose proposals and equipment meet City of Lodi specifications, and whose transformers are expected to yield the lowest overall life-cycle costs:

Western States Electric, Portland, OR	6 ea. 75KVA 240/120V 1-phase	\$ 8,352.78
	2 ea. 150KVA 208Y/120V 3-phase	\$ 8,492.86
	3 ea. 500KVA 208Y/120V	\$ 23,561.69
	1 ea. 1000KVA 208Y/120V	\$ 12,866.43
	1 ea. 300KVA 480Y/277V	\$ 5,238.81
	3 ea. 500KVA 480Y/277V	\$ 23,002.47
	5 ea. 1500KVA 480Y/277V	<u>\$ 76,066.11</u>
		\$157,581.15
Howard Industries, Laurel, MS	2 ea. 225KVA 208Y/120V 3-phase	\$ 11,733.98
Ermco, Dyersburg, TN	11 ea. 37.5KVA 240/120V 1-phase	<u>\$ 12,231.78</u>
	TOTAL	\$181,546.91

9. Adopted Resolution No. 2000-145 accepting the development improvements for Sunwest XIV, Unit No. 2, Tract No. 2878.
10. Approved the final map for Bridgetowne, Unit No. 4, Tract No. 3007, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.
11. Agenda item #E-11 entitled, "Approve Addendum to the Improvement Agreement and accept improvements in Lodi West, Unit No. 5, Tract No. 2898, and amend Traffic Resolution to approve two-way stop control on Magnolia Court/Magnolia Lane at Westbrook Drive" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
12. Agenda item #E-12 entitled, "Authorize use of GrapeLine buses as in-kind match for Sandhill Crane Festival" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
13. Adopted Resolution No. 2000-148 authorizing the City Manager to submit Reduce Motor Vehicle Emissions (REMOVE) grant applications for traffic signals and signal interconnect projects at various locations to San Joaquin Valley Air Pollution Control District (SJVAPCD).
14. Adopted Resolution No. 2000-149 approving the extension of the existing support agreement for wide area network (WAN) equipment with WAN/LAN Solutions, Inc., of Rocklin, CA, for one year for the amount of \$14,206.

Continued August 16, 2000

15. Agenda item #E-15 entitled, "Approve professional services for Test Water Well Drilling 2000/02" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
 16. Authorized the Treasurer and Deputy Treasurer to enter into agreements with the Farmers and Merchants Bank of Central California for the issuance of a City credit card for Jerry J. Adams, Chief of Police.
 17. Set Public Hearing for September 20, 2000 to consider the Planning Commission's recommendation of approval to the City Council for a General Plan Amendment from LDR, Low Density Residential to NCC, Neighborhood Community Commercial; rezone from C-S, Commercial Shopping and R-1, Single-Family Residential to PD, Planned Development; and certification of Negative Declaration ND-00-05 as adequate environmental documentation on behalf of Kristmont West, Inc. for property located at 333 South Lower Sacramento Road.
 18. Authorized the City to join the amicus brief in the case of G & G Fire Sprinklers, Inc. v. Bradshaw, 204 F.3d 941 in the 9th Circuit, Writ of Certiorari to the US Supreme Court.
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ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

1. Agenda item #E-3 entitled, "Approve plans and specifications, authorize advertisement for bids for installation of streetlights on Avena and Orange Avenues and Cardinal, Park and York Streets (\$77,400) and authorize transfer of funds for the Streetlight Completion Project".

Council Member Land asked what the priorities are for streetlights. He noted that a neighborhood on the 1700 block of west Locust Street has been asking for street lights for the past four years.

Engineering and Operations Manager Hansen responded that Council's action tonight will authorize the installation of 25 lights, and in the future staff will install 150 lights at a time. The entire project will last four to five years. The order of priority is: schools, public facilities, commercial, and residential. West Locust Street is scheduled to be done in November.

MOTION:

The City Council, on motion of Council Member Land, Nakanishi second, unanimously authorized the transfer of \$200,000 from the Electric System Revenue Certificates of Participation to fund phase one of the Streetlight Completion Project, approved the plans and specifications for installation of streetlights on Avena and Orange Avenues and Cardinal, Park and York Streets, and authorized advertisement for bids.

2. Agenda item #E-4 entitled, "Approve plans and specifications and authorize advertisement for bids for Katzakian Park, 2735 West Turner Road".

Council Member Hitchcock questioned if \$600,000 is the average cost for a park. Public Works Director Prima responded that it is; however, this does not include the price of the land. He added that the project is being funded by park impact fees. Staff will come back to Council with a recommendation on fencing when the contract is awarded in a few weeks.

In response to Council Member Hitchcock, Parks and Recreation Director Williamson stated that traditionally when Parks and Recreation partnered with service clubs, in most situations they were older parks being remodeled. He recalled that the renovated 3.5 acres of Hale Park cost over \$500,000. Renovations and/or new parks cost an average of \$100,000 to \$125,000 per acre.

Council Member Land reported on the service clubs that have renovated parks:

- Candy Cane Park by Sorpotimist International of Lodi
- Picnic shelter and playground equipment at Lodi Lake by Kiwanis Club of Greater Lodi
- Entrance into Lodi Lake and other playground equipment by Rotary Club
- Vanbuskirk Park by the Lodi Rotary Club
- Emerson and Legion Parks by Lodi Lions Club

He stated that using impact fees is appropriate for new parks, and working with service clubs for small projects on existing, older parks is preferable.

MOTION:

The City Council, on motion of Council Member Hitchcock, Pennino second, unanimously approved the plans and specifications for Katzakian Park, 2735 West Turner Road and authorized advertisement for bids.

3. Agenda item #E-11 entitled, "Approve Addendum to the Improvement Agreement and accept improvements in Lodi West, Unit No. 5, Tract No. 2898, and amend Traffic Resolution to approve two-way stop control on Magnolia Court/Magnolia Lane at Westbrook Drive".

In response to Council Member Hitchcock, Public Works Director Prima explained that this is a "four-legged" intersection. Staff has found that in these circumstances it is best to assign the right-of-way.

MOTION:

The City Council, on motion of Council Member Hitchcock, Nakanishi second, unanimously adopted Resolution No. 2000-146 entitled, "A Resolution of the Lodi City Council Approving the Improvement Agreement Addendum and Accepting the Development Improvements Included in the Improvement Agreement for Lodi West, Unit No. 5, Tract No. 2898" and Resolution No. 2000-147 entitled, "A Resolution of the Lodi City Council Approving the Installation of a Two-Way Stop Control at the Intersection of Magnolia Court/Magnolia Lane at Westbrook Drive, Thereby Amending Traffic Resolution No. 97-148".

4. Agenda item #E-12 entitled, "Authorize use of GrapelLine buses as in-kind match for Sandhill Crane Festival".

Council Member Land asked if it would be possible to encourage GrapelLine bus riders to utilize Lodi's services and stores by having the buses stop at Lakewood Mall, downtown area, Cherokee Lane, and the "four corners" area; or as an alternative, include advertising and fliers of these areas inside the buses.

City Manager Flynn responded that staff will evaluate the feasibility of these suggestions.

MOTION:

The City Council, on motion of Council Member Land, Hitchcock second, unanimously authorized the use of GrapelLine buses November 3 – 5, 2000, as in-kind match for Sandhill Crane Festival.

5. Agenda item #E-15 entitled, "Approve professional services for Test Water Well Drilling 2000/02".

Council Member Hitchcock questioned why this service was not going out to bid.

Public Works Director Prima indicated that it has been the City's practice for the past eight years to handle test water well drilling this way, since this is more of a professional

service. They have found that Clark Well has all of the qualifications the City requires and has an engineer on staff.

MOTION:

The City Council, on motion of Council Member Hitchcock, Pennino second, unanimously approved retaining Clark Well, Inc., of Stockton, as a qualified driller for test well professional services for 2000/01 and 2001/02, and appropriated funds in accordance with staff recommendation.

F. PUBLIC HEARINGS

1. 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 the Planning Commission's recommendation of approval to the City Council for a General Plan Amendment GPA-LU-00-01 and Rezoning Z-00-03 to change from PQP (Public-Quasi Public) designation with a P (Public) zoning, to LDR (Low-Density Residential) designation with an R-1 (Single Family), and certification of Negative Declaration ND-00-04 as adequate environmental documentation on behalf of First Baptist Church of Lodi and Lodi Unified School District (LUSD) for a property located at 109 North Mills Avenue.

NOTE: Due to a potential conflict of interest, Mayor Mann abstained from discussion and voting on this matter.

Community Development Director Bartlam reported that this General Plan Amendment and zone change will alter a piece of property's designation. The First Baptist Church of Lodi, in an arrangement with the Lodi Unified School District (LUSD), is acquiring just under 6 acres off the northern edge of the Mills Avenue middle school site. This piece of property is deemed to be excess by the school district. In order for First Baptist Church to proceed with their plan, the change in designation and zone is required. The First Baptist Church proposal was found to be acceptable by the Planning Commission. The church is proposing two phases: a sanctuary administration building is the first phase; an education building will be the second phase. The school will also benefit by having additional parking. Mr. Bartlam reported that this is an appropriate district for a church.

Hearing Opened to the Public

- a) Melissa Hockett, 309 Trinity Way, Lodi, spoke in favor of the project and asked if there will be an entrance to the back of the church or the school property. She expressed concern that there would be overflow parking on Citadel Street, which is impacted already.

Community Development Director Bartlam responded that the church orientation is toward Mills Avenue with the parking lot off of Mills Avenue. An emergency access only gate is being provided for the church. There will be no vehicular or pedestrian gates for the church. The school would have a maintenance entrance for their fields. Staff would not anticipate the church having an impact on Citadel, Trinity or Plumas Streets.

- b) Mamie Starr, Assistant Superintendent of Facilities and Planning for LUSD, 1305 E. Vine Street, Lodi, also spoke in support of the project, and indicated that the district does not want vehicular access coming off of Citadel.

Council Member Land asked how soon the school district plans on developing the additional property on Mills Avenue.

Ms. Starr responded that the district has owned the property since 1966 and it has always been planned as a middle school site. Plans are underway and working drawings will be ready to go to the state architect sometime between

November 2000 and January 2001. LUSD is filing an application for hardship funds with the State of California and has established in the agreement with the church, the ability to put aside money which would allow them to do site development, grading, perimeter fencing and the parking lot area. It is anticipated that the church will have its construction completed within the next two years. It is linked to LUSD using their current facility on Central and Pine Streets. LUSD is looking at completion of the middle school for occupancy sometime in 2002 – 2003, contingent on the ability to get the state hardship funds to finish the construction of the building. In order to accommodate the number of middle school students, and because it has joint use of the parking lot, LUSD was able to reduce the total amount of recommended acreage to a little over 13 acres instead of 14. That accommodates the field area and basketball/volleyball courts for a middle school P.E. program. The extent to which they will be able to get everything planted and installed will depend upon available funding. Their first priority is construction of the buildings that house the classrooms.

Council Member Pennino asked Mr. Bartlam to include copies of maps in the Council packets in the future.

In response to Council Member Pennino, Mr. Bartlam reported that the 4' iron fence will be along the frontage of Citadel with landscaping in front of the fence. The 6' masonry wall will be adjacent to the single-family homes that front Citadel.

In response to Council Member Hitchcock, Mr. Bartlam explained that the City does not have jurisdiction over parking requirements for schools. The church would require about 320 parking stalls and there are 345 shown on the plan.

In reply to Council Member Hitchcock, Ms. Starr stated that the school district does not have parking requirements. In using state funds, particularly the hardship program, it is encouraged that money not be put into parking, driveways, bus loading areas, etc. The state feels that this is a local obligation. The ability to have a significant amount of parking and to circulate cars off the street during delivery and pickup times of students was very important to LUSD. This provided the district with a very unique opportunity to solve and mitigate problems up front that it otherwise would not be able to do without a joint partnership.

Public Portion of Hearing Closed

City Attorney Hays explained that staff is asking Council to introduce an ordinance and adopt a resolution, which are two separate activities from the standpoint of a motion.

MOTION:

The City Council, on motion of Council Member Pennino, Land second, adopted Resolution No. 2000-150 entitled, "A Resolution Of The Lodi City Council Amending The Land Use Element Of The Lodi General Plan By Redesignating 109 North Mills Avenue From PQP, Public-Quasi Public To LDR, Low-Density Residential". The motion was carried by the following vote:

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

Further, the City Council, on motion of Council Member Hitchcock, Land second, introduced Ordinance No. 1692 entitled, "An Ordinance Of The Lodi City Council Amending The Official District Map Of The City Of Lodi And Thereby Rezoning 109 North Mills Avenue (APN 029-400-01) From P, Public To R-1, Single-Family Residential (First Baptist Church Of Lodi And The Lodi Unified School District)". The motion was carried by the following vote:

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

RECESS

At 8:25 p.m., Mayor Mann called for a recess and the City Council meeting reconvened at 8:40 p.m. – All present.

F. PUBLIC HEARINGS (Continued)

2. 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 electric residential and commercial rate changes.

NOTE: Due to a potential conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.

Electric Utility Director Vallow reported that legislation has specified that all municipal utilities have a low-income rate equal to 15% off their lowest residential rate.

Rates and Resources Manager Doyle added that in order to qualify for the lower rate, a customer must be a single- or multi-family dwelling with permanently installed electric heating as the heat source. The discount for these customers over the standard residential rate would be up to \$5.55 per month during the summer months and up to \$22.97 per month in the winter. The City has up to 300 customers that would qualify for this rate.

Mr. Vallow indicated that due to the rising cost in natural gas, this winter will be the first time that it will be more economical to heat with an electric heat pump.

Mr. Doyle reported that the second rate is the Single Household Alternative Rate for Energy (SHARE) program. Currently there is a 10% low-income discount service available to 330 customers. To qualify, customers must be receiving social security income or supplemental security payments. The new program is based on a maximum annual household income and the number of people in the household. Staff is proposing to have a 20% discount instead of the 10% - 15% mandated by the state. There could potentially be up to 2,000 customers that would qualify. The difference between the regular residential rate and the discounted rate would be funded by the Public Benefits Program.

Mr. Doyle described the "small and medium commercial" discount. This program has been in place since 1995 and ended on June 30, 2000. It was successful, and staff wishes to continue the program. Any business that is established on or after July 1, 2000 can qualify for this discount. The discount period would be October 1, 2000 through September 30, 2002. The core downtown area discount would be 10% and the rest of the City would be a 5% discount off the standard small or medium commercial rate.

Mayor Pro Tempore Nakanishi questioned if the City can use more of the Public Benefits grant on discounts for residential customers.

Mr. Vallow responded that on the "all electric rate" the City can use Public Benefits funds to help a customer that wants to convert from natural gas to electric.

Council Member Land asked why staff is not recommending the same discount for Cherokee Lane businesses as they are for the downtown core area.

Mr. Doyle responded that staff's recommendation is consistent with the program that was in place last year. The original program started at 40% for the downtown area and ramped down to 10%, and the Cherokee Lane area started at 20% and ramped down to 5%.

Continued August 16, 2000

Mr. Vallow explained that the genesis of the original discounts starting at 40% for the core area and 20% for Cherokee Lane was reflective of the difference in the assessments between the two areas.

Economic Development Director Goehring commented that there are very few businesses that are aware of these discounts. Staff gets the word out about these opportunities by doing business retention visits and taking application forms to existing or new businesses.

In response to Council Member Hitchcock, Community Development Director Bartlam reported that downtown has two assessment areas. The core pays a higher assessment on bonds than the second area of downtown and Cherokee Lane.

Mr. Vallow suggested having Citywide new businesses at a 10% discount, Cherokee Lane at 20%, and the core downtown area at 30%.

City Manager Flynn assured Council Member Hitchcock that staff will report back to Council on how many businesses have taken advantage of this program over the last 5 years and determine the dollar savings to the businesses in total.

Mr. Vallow responded that with this program, for every dollar lost to the discount, \$5 of new revenue is gained on a net basis.

In reply to Mayor Pro Tempore Nakanishi, Mr. Vallow stated that the City of Lodi is able to offer these discounts because we possess our own resources and did not divest our resources as was suggested five years ago. He stated that basically all electric utility costs are fixed. The only variable cost is natural gas fuel; however, this too can be considered a fixed component because the City "bought long" on the gas market. The water that runs through the hydroelectric plant and the steam that comes out of the ground (our geothermal project) are fixed.

Council Member Land commented that Lodi is fortunate to have an electric company that brings in about \$4 million of revenue to the City's General Fund. He reported that about 95% of Lodi's electricity is "clean electricity" from the hydroelectric plant and Spicer Reservoir, the Sonoma and Lake County geothermal projects, the gas turbines off of Turner Road, and from the STIG plant at White Slough. He added that Lodi will be even more effective when the second source transmission line is built along Highway 12. Council Member Land further indicated that he would like to see more than a 10% discount for the core downtown area and Cherokee Lane.

Mayor Mann thanked Mr. Vallow for wisely recommending not to sell Lodi's electric generation interests five years ago.

In response to Mayor Mann, Mr. Vallow said that he would recommend a 25% discount for Cherokee Lane and the downtown core, and a 15% discount for businesses in non-core and non-Cherokee Lane areas of the City.

Council Member Hitchcock felt that the recommendation as presented in the Council packet should be approved, and the Council can consider amendments later, after the forthcoming figures have been determined and reviewed.

Hearing Opened to the Public

There was no one wishing to speak on this matter.

Public Portion of Hearing Closed

MOTION:

The City Council, on motion of Mayor Mann, Land second, introduced Ordinance No. 1693 entitled, "An Ordinance Of The Lodi City Council Amending Chapter 13.20 Electrical Service By Amending Sections 13.20.200, 13.20.210, 13.20.240 And 13.20.250, And Adding Section 13.20.202 Residential All Electric", which includes an amendment to the proposal making the discount 25% on Cherokee Lane and the core downtown area, and 15% for the remainder of commercial development. The motion was carried by the following vote:

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

Further, the City Council, on motion of Council Member Hitchcock, Mann second, adopted Resolution No. 2000-156 entitled, "A Resolution Of The Lodi City Council Adopting Certain Amendments To The Electric Utility Department's Rules And Regulations". The motion carried by the following vote:

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

3. 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 Mondavi Properties Reorganization proposal to annex approximately 134 acres to the City of Lodi with concurrent detachments from the Mokelumne Rural Fire Protection District and the San Joaquin Resource Conservation District.

NOTE: Due to a potential conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.

Community Development Director Bartlam reported that this is the final hearing necessary to annex nearly 134 acres into the City. A hearing was held on May 3 to prezone the property located along North Guild Avenue and the extension and terminous of Turner Road. The area finishes the City's sphere of influence area on the northeast side, which is bounded by Central California Traction lines to the east, and then fills in the gap to the Mokelumne River. The annexation was brought forward by the Robert Mondavi Company who is acquiring 40 acres of property for construction of a new warehouse distribution facility. When staff approached the adjacent property owners they were also interested in coming into the City at this time. The Local Agency Formation Commission (LAFCO) held a public hearing on July 21 and voted to concur with the annexation request. No protests have been filed.

Hearing Opened to the Public

There was no one wishing to speak on this matter.

Public Portion of Hearing Closed

MOTION:

The City Council, on motion of Council Member Hitchcock, Mann second, adopted Resolution No. 2000-151 entitled, "A Resolution Of The Lodi City Council Ordering Territory Designated As Mondavi Properties Annexation/Reorganization LAFCO 14-00 Annexed To The City Of Lodi". The motion was carried by the following vote:

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

G. COMMUNICATIONS (CITY CLERK)

1. City Clerk Blackston read the following ABC Licenses:
 - a) Clyde Burrows to Kenco Vending Inc., El Rancho Sports Bar, 621 North Cherokee Lane, Lodi, On-Sale General, Person to Person Transfer
 - b) Piara Singh Ghuane, Save Mart Foods, 1340 South Hutchins Street, Lodi, Off-Sale General, Dropping Partner
 - c) Will Furuoka to Erasmo Ramirez, Los Portales, 450 South Cherokee Lane, Suite C, Lodi, Off-Sale Beer and Wine, Person to Person and Premise to Premise Transfer
2. The following report was presented to the City Council:
 - a) Planning Commission report of July 26, 2000
3. MOTION:

The City Council, on motion of Council Member Land, Nakanishi second, unanimously directed the City Clerk to post for the following vacancies:

LODI ARTS COMMISSION

Tony Segale	Term to expire July 1, 2003
Theo Vandenberg	Term to expire July 1, 2002

H. REGULAR CALENDAR

1. Agenda item #H-1 entitled, "Introduce Ordinance amending Chapter 15.04 – Section 15.04.055 of the Lodi Municipal Code to extend the component of the Central City Revitalization Program – Downtown Business District Special Inspections".

Economic Development Director Goehring reported that in 1996 the Council took action to develop a Central City Revitalization incentive program, which would help enhance and preserve the vitality of the downtown area. The City set aside \$250,000 for a business relocation and attraction program. In addition, it established the façade assistance program, a business improvement district, a business license fee discount, a site plan review fee waiver, wastewater capacity fee discount for restaurants and retail, an electric rate discount, amortized fee payment plan, a building permit fee discount (of 15% for the downtown core and 10% for Cherokee Lane), and a building special inspection with written code analysis incentive. The building permit fee discount and the special inspection elements are included in the Lodi Municipal Code. Both are subject to a sunset clause of January 1, 2000. This request is to extend these two components to June 30, 2003 and make them retroactive to January 1, 2000.

MOTION:

The City Council, on motion of Council Member Pennino, Land second, unanimously introduced Ordinance No. 1694 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Chapter 15.04 Of The Lodi Municipal Code By Repealing And Reenacting Section 15.04.055, Relating To Special Inspections – Downtown Business District".
2. Agenda item #H-2 entitled, "Implementation of Salary Survey for General Services and Confidential employees and adopt updated class specifications for General Services and Confidential positions".

City Manager Flynn introduced the item and noted that he received a request today to have the item tabled. He asked Council for direction on whether to table the matter or proceed with the staff report.

Continued August 16, 2000

Council Member Land replied that the Memorandum of Understanding (MOU) that was approved in August 1998 stated that a salary survey would be done and a recommendation would be brought back to Council. He noted that this process was supposed to be completed by July 1.

Human Resources Director Narloch explained that the reason for the delay is that the City expanded the scope by including the review of the class specifications, and the reorganization of the Finance Department.

Council Member Hitchcock agreed that the Council needs to honor the MOU and make any salary increases retroactive to the agreed-upon date; however, she expressed concern that information regarding the compensation study and salary comparisons (filed) was just submitted to Council this afternoon. She stated that she has not had time to review the information. She questioned why it was not provided to the Council earlier and discussed at a Shirtsleeve Session prior to action being taken. Council Member Hitchcock made a motion to table this matter until the next Council meeting. The motion died for lack of a second.

Council Member Pennino stated that in the past, these types of issues were discussed at Shirtsleeve or Closed Session meetings and agreed that the practice should be continued in the future. He expressed support for moving forward with the issue at this time, noting that he has read all the information submitted to the Council today and is satisfied with it.

PUBLIC COMMENTS:

- a) Curt Juran, representing the General Services Unit, 1044 Port Chelsea, Lodi, spoke in support of the recommendation. He reported that the bargaining team spent many hours working on the salary schedule with management staff and both the unit and management feel this is a fair and equitable package. Mr. Juran thanked the City Manager and Human Resources Director for working to change the climate of negotiations from years of an adversarial one, to one where the employees actually feel a part of the process.

Following a review by Human Resources Director Narloch of the salary survey process, Council Member Land questioned what the total cost to the City will be to implement this pay increase and if this was included in the budget.

City Manager Flynn responded that the costs, which were included in the budget, are \$248,500 for General Services and \$29,400 for Confidential employees.

Council Member Hitchcock expressed her disappointment that the Council would approve and implement a salary survey that it has not had time to review. She explained that in her position as a school vice principal, she does not have time to take away from her workday to review information.

Mayor Pro Tempore Nakanishi indicated his support of staff's recommendation.

Council Member Land reiterated that Council agreed to this in August 1998 when it asked staff to conduct the survey. He stated that he spent the entire weekend reviewing the information and felt that it was fair and reasonable compensation. He noted that Council Member Hitchcock had requested the additional information this morning at 8:00 a.m. In response to her request, staff spent four to five hours compiling the information.

Mayor Mann spoke in favor of the recommendation and stated that he too had an opportunity to review all of the documentation. Mr. Mann further pointed out that it was bargained for two years ago, and Council is now following through with what was agreed upon.

MOTION:

The City Council, on motion of Council Member Pennino, Land second, adopted Resolution No. 2000-152 entitled, "A Resolution Of The Lodi City Council Approving The Implementation Of The Salary Survey For The General Services Unit And The Confidential Unit, And Adopting Updated Class Specifications For Both". The motion carried by the following vote:

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

Noes: Council Members – Hitchcock

Absent: Council Members – None

3. Agenda item #H-3 entitled, "Reorganization of the Finance Department: approve the reorganization, class specifications and salary ranges".

Finance Director McAthie reported that for the past several years she has looked at various reorganization options to address more efficient customer service, cross training of staff, changes of workload, staff responsibilities, and proper alignment of staff. Ms. McAthie described the reorganization and noted that it will not increase the authorized number of positions in the Finance Department.

In response to Council Member Pennino, City Manager Flynn reported that a recommendation regarding the Parking Enforcement position would be brought back to Council at a later date.

Council Member Land concurred that it is not logical for the position of Parking Enforcement to be under the Finance Department. Further, Mr. Land questioned why there is an increase of \$24,000 to the annual budget if no staff is being added.

Finance Director McAthie responded that it is due to the addition of the entry level Account Clerk, Customer Representative, the new promotional classification of Customer Service Supervisor, and salary increases for Customer Services Manager and Revenue Manager. Ms. McAthie stated that the money will be absorbed within the department's operating budget by trimming the budget as much as possible.

Council Member Hitchcock commended Ms. McAthie for an excellent presentation and reorganization, however, she explained that she would vote against it because it is based on the salary survey that she has not had an opportunity to review.

MOTION:

The City Council, on motion of Council Member Pennino, Nakanishi second, adopted Resolution No. 2000-153 entitled, "A Resolution Of The Lodi City Council Approving Reorganization Of The Finance Department, And Further Approving Class Specifications And Salary Ranges". The motion carried by the following vote:

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

Noes: Council Members – Hitchcock

Absent: Council Members – None

4. Agenda item #H-4 entitled, "Approve changing the authorized position of Risk Manager to Management Analyst and approve a new class specification and salary range for this position".

Human Resources Director Narloch explained the reasoning behind the reallocation of the Risk Manager position to Management Analyst. It will allow more flexibility in terms of the use of staff and will aid in recruiting efforts as well. The implementation of this plan would also allow the City to have an additional career path within the City service.

Council Member Pennino questioned who will be assuming the duty of overseeing risk and liability matters.

Ms. Narloch responded that the Senior Human Resources Analyst will be responsible for general liability, the Human Resources Director will be handling Workers Compensation, and the Analyst will handle the safety component.

Council Member Pennino commented that potentially there is a tremendous savings by enhancing the City's safety efforts, and he expressed concern that this may cause us to dilute our efforts. Mr. Pennino requested information at a future meeting regarding what is being done Citywide for employees towards reducing risk.

In response to Council Member Hitchcock, Ms. Narloch stated that the Management Analyst II will be handling the risk management functions, as well as recruitment and selection within the department and some of the classification work.

Council Member Hitchcock concurred with Council Member Pennino's concern about eliminating the Risk Manager position, and pointed out that our society is becoming more litigious.

City Manager Flynn explained that liability and Workers Compensation are two completely different fields. He agreed that safety is important and more needs to be done to ensure the safety of City employees. He stated that hiring additional staff should be considered.

In reply to Council Member Hitchcock, Ms. Narloch stated that the position would be enhanced because the Director and the Senior Analyst would absorb many of the duties. The person coming into this position would work in other areas within Human Resources, in addition to areas relating to safety, the implementation of programs, and consensus building.

Council Member Hitchcock commented that she sees the job of Risk Manager as being one with specialized skills and does not see the City getting that under a generalized position. Ms. Hitchcock reiterated the need for a skilled professional who knows the job.

Mayor Pro Tempore Nakanishi added that risk management should be an idea thought about by all department heads.

MOTION:

The City Council, on motion of Mayor Mann, Nakanishi second, adopted Resolution No. 2000-154 entitled, "A Resolution Of The Lodi City Council Approving The Title Change Of Risk Manager To Management Analyst II, And Further Approve Class Specification For The Positions Of Management Analyst Trainee I / II And Salary Range For Management Analyst Trainee". The motion carried by the following vote:

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

Noes: Council Members – Hitchcock

Absent: Council Members – None

5. Agenda item #H-5 entitled, "Approve Response to Grand Jury Final Report Case #2199: 'Manteca-Lathrop Wastewater Treatment Contract – Contract Management Tracking'".

Deputy City Manager Keeter reported that the City received a report from the Grand Jury subject to Penal Code 933C, which requires the City to submit a formal response to the presiding judge. The Grand Jury initiated an investigation of a situation that happened between the cities of Manteca and Lathrop regarding the fees that they were charging each other for services rendered. As a result of that investigation they decided to expand the scope and look at other cities' practices for managing and tracking contracts. The City is now required to respond to their findings. They are recommending that cities have a written policy for managing contracts and for tickler systems. Staff has met with the Information Systems Manager and City Clerk to discuss ways of handling this.

Ms. Keeter requested Council's approval of the response letter that concurs with the Grand Jury's findings.

Council Member Pennino noted that the letter refers to the position of Risk Manager that was just eliminated and requested that it be amended accordingly.

In response to Council Member Hitchcock, Ms. Keeter reported that there is a system in place now, but it is not for tracking the contents and dates of the contracts. It is simply a repository in the City Clerk's office. The proposal is to create a system whereby when a contract is approved by Council, it would be put into a database or electronic calendar that would tickle that item in advance of the expiration date. The current method of tracking is not by a formal policy and there is a risk that something may be overlooked. Staff is working with the Information Systems Manager to ensure that the responsible department would input the appropriate data and monitor their own contracts.

MOTION:

The City Council, on motion of Council Member Pennino, Hitchcock second, unanimously adopted Resolution No. 2000-155 approving the response to the Grand Jury Final Report Case #2199: "Manteca-Lathrop Wastewater Treatment Contract – Contract Management and Tracking".

I. ORDINANCES

None.

J. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

1. Robert Jess Valtierra, 1130 Pleasantwood Court, Stockton, stated that his comments fall under item J which states that the Council cannot take any action on a non-agenda item.
2. Bob Johnson, 1311 Midvale Road, Lodi, stated that previous City Clerk Alice Reimche was a loyal employee of the City for 30 years. Recently, newspaper articles implied that she was responsible for spending an inordinate amount of money on social events for the City. Mr. Johnson pointed out that the Mayor and Council approve the protocol budget and authorize all events. He reported that Ms. Reimche coordinated between 10 to 20 events per year and was frequently complimented by the Council on her work. He felt that the Council should acknowledge that Ms. Reimche only did what she was directed to do.

Council Member Land agreed that Ms. Reimche was an outstanding, loyal employee who provided excellent service to the community and to the Council. He stated that any program that Ms. Reimche took control of was done because the Mayor and/or Council directed her to do so.

Mayor Pro Tempore Nakanishi also agreed that Ms. Reimche handled the events under the direction of the Mayor and Council.

Council Member Hitchcock concurred with the statements, and added that Ms. Reimche would never do anything that would compromise her integrity.

Mayor Mann agreed that Ms. Reimche was an excellent City Clerk and did everything first class. He stated that he has been critical for a couple of years about the amount of money that has been spent on various events, but pointed out that he is not implicating Ms. Reimche in any way. He stated that the Council is ultimately held responsible.

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

Council Member Hitchcock expressed to Mayor Mann that she never knew he was dissatisfied with the amount of money being spent on events. Further, she thanked retiring Parks and Recreation Director Williamson for the fine job he has done for the City.

Continued August 16, 2000

In response to Council Member Hitchcock, City Manager Flynn stated that the position of Parks and Recreation Director has been posted. Applications had been received previously, and notification was sent to each applicant advising them that the City was going to renew the process and, if they so desired, their application would remain on file for consideration. The position will be advertised in Western City magazine and local newspapers and will be open to others who did not respond initially.

Council Member Hitchcock thanked the Police Department for the excellent job they did organizing the George Bush rally.

Ms. Hitchcock stated that due to her unique work environment she is unable to personally meet with the City Manager for updates. She mentioned that she had previously asked the City Manager to provide her with weekly status reports, but today received a memo from him indicating that he would not be doing so.

Mayor Pro Tempore Nakanishi stated that he communicates with the City Manager by telephone and, therefore, does not need a report. Further, he thanked the Police Department for an excellent job in controlling the crowds during the Bush event.

Council Member Pennino encouraged Council Member Hitchcock to meet with or call the City Manager, and noted that it might speed up the time for Council meetings as well.

Council Member Hitchcock responded that the City Manager has told her to go directly to the department heads for answers to specific questions.

Council Member Land indicated that he told the City Manager he did not need a weekly report. He noted that he meets frequently with the City Manager. He suggested that Ms. Hitchcock decrease the number of conferences she attends to allow her more time to spend with the City Manager. Mr. Land acknowledged the Lodi Public Library and the \$300,000 grant it received for an adult literacy program. Further, Mr. Land announced that there will be a free household hazardous waste disposal event August 25 – 26 at Salas Park. He too thanked the Police Department and the entire City staff for the work they did on the Bush event.

Mayor Pro Tempore Nakanishi expressed his opinion that Ms. Hitchcock is a representative of the Council voted on by the citizens of this community, and if she needs written status reports from the City Manager he should provide them.

Mayor Mann commented that everyone else seems satisfied by communicating via phone, voice mail, e-mail, and personal mail delivery to their homes once a week. He prefers to communicate by phone and e-mail primarily, and, although he is very busy, he makes the time. The City Manager already has a lot of responsibility delegated to him, and it is incumbent on the Council Members to do their part to stay informed. He sees the weekly report as an additional burden to the City Manager and encouraged Ms. Hitchcock to phone or meet with the City Manager. Further, he stated that if the City Manager wants to do the report, he would not object to it; however, he would not require it of him.

City Manager Flynn responded that he provides extensive information to the Council now on a monthly basis, as well as providing a specialized, detailed report from each department outlining its activities. In addition, staff reacts instantaneously to respond to Council's questions or requests for information. If desired, he stated that he could also provide a list of those highlights that he has focused on for the week.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

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

Continued August 16, 2000

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS (Continued)

City Manager Flynn announced that Community Development Director Bartlam will be celebrating his 40th birthday on August 18. Deputy City Manager Keeter will be participating in a triathlon on Saturday, August 19. Further, Mr. Flynn congratulated the Police Department, Transportation Manager Tobar, and Deputy City Manager Keeter for doing an outstanding job handling Governor George Bush's visit to Lodi.

L. CLOSED SESSION

Mayor Mann adjourned the City Council meeting at 11:03 p.m. to a Closed Session to discuss the following matters:

1. Conference with labor negotiator: Government Code §54957.6 Agency Negotiator; Joanne Narloch; health insurance coverage provided to all employee organizations
2. Prospective acquisition of real property located at 201 South Sacramento Street, Lodi, CA, APN #043-046-17; the negotiating parties are City of Lodi and Jim Jacobsen; Government Code §54956.8

M. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at 11:30 p.m., and the following actions were disclosed:

1. This matter was not discussed.
2. By consensus of the City Council, the Public Works Director was authorized to contact the property owner of 201 South Sacramento Street to ascertain willingness to sell property; obtain appraisal of the property; and bring the issue back to the City Council for further discussion and/or action.

N. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:30 p.m.

ATTEST:

Susan J. Blackston
City Clerk