

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JANUARY 17, 2001**

A. ROLL CALL

The Regular City Council meeting of January 17, 2001 was called to order by Mayor Nakanishi at 7:02 p.m.

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

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

B. INVOCATION

The invocation was given by Auxiliary Captain Gerald Pigeon with the Lodi Salvation Army.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Nakanishi.

Electric Utility Update

Electric Utility Director Vallow reported that California Independent System Operator (ISO) announced a stage 3 alert today, which meant that energy reserves within the State from all sources had fallen below 1.5%. ISO ordered Electric Utility to curtail about 5% of their load. Mr. Vallow explained that Lodi is connected to the state grid and must participate in the alerts when they are legitimate emergencies. He emphasized the importance of drivers coming to a complete stop at intersections when the traffic signals are out.

In response to questions by Council Member Land, Mr. Vallow stated that the City's long term contracts are secure. Ninety percent of Electric Utility's transactions are bilateral trades that do not clear through the California Power Exchange or ISO. Electric Utility is under order by the Secretary of Energy to sell power to the ISO. They currently owe \$1.5 million to Lodi, for which repayment remains uncertain. Today, Electric Utility had all their generation running, including the hydroelectric plant, using water that was earmarked for the summer. In an effort to help out the state, Lodi was producing nearly twice the capacity today over what they were consuming. Electric Utility has recently received calls from several customers about gas curtailments. Holz Rubber has indicated that they will not have a gas supply after June.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 None.

D-2 (a) Mayor Nakanishi presented a proclamation to Dr. Benjamin Spindler, Dr. Norman King and Lorraine Kohr with Delta Blood Bank proclaiming the month of January 2001 as "Volunteer Blood Donor Month" in the City of Lodi.

D-3 (a) City Manager Flynn introduced the newly appointed Fire Chief Michael Pretz and Parks and Recreation Director Roger Baltz.

D-3 (b) Pat Stockar, member of the Lodi Arts Commission, updated the City Council on the activities and accomplishments of the Arts Commission.

D-3 (c) Meagan Hawley, member of the Greater Lodi Area Youth Commission, acknowledged the Teen of the Month, Ted Driscoll from St. Mary's High School.

D-3 (d) Mayor Nakanishi presented Certificates of Appreciation to Richard Prima, representing the Public Works Department, and Sondra Huff, representing the Electric Utility Department, in appreciation for the dedication and hard work of their staff and crews. Ms. Huff distributed copies of the Quarterly Communicator (filed) to the Council, noting that Electric Utility was featured on the cover for their participation in the Parade of Lights event.

- D-3 (e) Mayor Nakanishi presented a Certificate of Appreciation to Dennis Lewis, Lodi Police Officer and President of Lodi Adopt-A-Child. Officer Lewis reported that 1,270 children benefited from the program this year and over 340 bikes, tricycles, and scooters were given away.
- D-3 (f) Dan Phelps, Board Member of the Lodi Sports Foundation, updated the Council on the Zupo Field restoration project. In response to Council Member Pennino, Mr. Phelps stated that John Johnson had submitted a report to the City Manager regarding the unfinished seating.

E. CONSENT CALENDAR

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

- E-1 Claims were approved in the amount of \$10,503,539.41.
- E-2 The minutes of December 12, 2000 (Shirtsleeve Session), December 19, 2000 (Shirtsleeve Session), December 26, 2000 (Shirtsleeve Session), January 2, 2001 (Shirtsleeve Session), January 3, 2001 (Regular Meeting), January 9, 2001 (Shirtsleeve Session), and January 9, 2001 (Special Meeting) were approved as written.
- E-3 Authorized the sale of scrap wire and metal at periodic intervals during the calendar year 2001.
- E-4 Approved the plans and specifications for design, construction and delivery of two steel transmission poles and authorized advertising for bids.
- E-5 Approved request for proposal for concession operations at the Softball Complex and Armory Park and authorized advertising for bids.
- E-6 Authorized advertising for bids for asbestos abatement and demolition of the residential structures and detached accessory structure located at 220 E. Pine Street, 222 E. Pine Street, and 11 S. Washington (APN 043-074-06).
- E-7 Adopted Resolution No. 2001-02 awarding the bid for one engineering inkjet plotter for the Parks Division of the Parks and Recreation Department to the low bidder, Sehi Computer Products, of San Clemente, California, in the amount of \$5,741.58.
- E-8 Adopted Resolution No. 2001-03 authorizing the purchase of security software for the AS/400 to SafeStone Technologies, Inc. in an amount not to exceed \$15,000.
- E-9 "Adopt resolution awarding the contract for the Lower Sacramento Road Widening Project, Kettleman Lane to Turner Road, to George Reed, Inc.; authorize the City Manager to execute a Work Order for design consultant, Mark Thomas and Company; and appropriate \$7,030,000 for the project (PW)" was **removed from the Consent Calendar and discussed and acted upon under the Regular Calendar**.
- E-10 Adopted Resolution No. 2001-04 awarding the contract for installation of utility conduits under the Woodbridge Irrigation District's canal to the low bidder, Clayborn Contracting Group, Inc., of Auburn, California, in the amount of \$42,587.00.
- E-11 Adopted Resolution No. 2001-05 accepting the development improvements for Bridgetowne, Unit No. 4, Tract No. 3007.

- E-12 "Adopt resolution authorizing the City Manager to sign a consulting services agreement for an Electric Utility Cost of Service Study with EES Consulting, Inc. (not to exceed \$32,000) (EUD)" was **removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.**
- E-13 Adopted Resolution No. 2001-06 authorizing the City Manager to execute a professional services agreement with Y&C Transportation Consultants, Inc. for a Traffic Signal Location Study for Turner Road and Loma Drive; and appropriated funds in accordance with staff recommendation.
- E-14 Received Contract Change Order for CHEC Engineering Consultants for Pavement Management System Rate City Street Network, and approved request to appropriate funds in the amount of \$29,330.
- E-15 Adopted Resolution No. 2001-07 certifying that the City of Lodi will sustain its level of expenditures for transportation purposes for the allocation of funds from the State under Assembly Bill (AB) 2928.
- E-16 Adopted Resolution No. 2001-08 authorizing the destruction of the following records retained by the Lodi Police Department:
- Background investigations and employment records of previous employees who have left employment with the City over five years ago (this does not include retirees);
 - Background investigations of previous applicants not hired, over five years old;
 - Crime reports, incident reports and traffic reports over five years old, except for those with pending court action and all homicide investigations; and
 - Investigations of Citizens Complaints over five years old.
- E-17 Approved the donation of two retired police cars to the San Joaquin Delta College Basic Peace Officer Academy for training purposes.
- E-18 Adopted Resolution No. 2001-09 establishing fees for the processing of Adult-Oriented Business Licenses.
- E-19 Set Public Hearing for February 7, 2001 to consider the Planning Commission's recommendation that the City Council 1) adopt a General Plan Amendment to change from PR, Planned Residential to NCC, Neighborhood Community Commercial; and 2) a Prezoning from AU-20, Agriculture Urban Reserve to CS, Commercial Shopping, for a 15.5 acre portion of the property located at 302 State Route Highway 12, APN No. 058-030-01 and to initiate annexation of the property into the City of Lodi.
- E-20 Set Public Hearing for February 7, 2001 to consider the Planning Commission's recommendation that the City Council approve the prezoning of parcels 015-170-10 and 015-230-07 from San Joaquin County P-F, Public Facilities to PUB, Public for property located at 18500 N. Lilac Street, Woodbridge (Woodbridge Middle School) and to initiate annexation of the properties into the City of Lodi.
- E-21 Set Public Hearing for February 7, 2001 to hold necessary hearing to assist Lustre-Cal Nameplate Corp. in securing tax-exempt financing.
- E-22 Adopted Resolution of Intention No. 2001-10 to abandon the public utility easement along the north six feet of Lot 189 of Lakewood Subdivision, Unit No. 4; referred the matter to the Planning Commission for approval; and set a Public Hearing for the regular Council meeting of February 21, 2001.
- E-23 Set Public Hearing for February 21, 2001 to consider a resolution establishing an area of benefit and reimbursable costs for Tienda Drive improvements (APN 027-040-17 and APN 027-040-79, respectively).

F. PUBLIC HEARINGS

None.

G. COMMUNICATIONS

G-1 On recommendation of the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), and Human Resources staff, the City Council, on motion of Council Member Land, Hitchcock second, unanimously rejected the following claims:

- a) Bank of America, date of loss 11/99
- b) William Hall, date of loss 8/1/00

G-2 City Clerk Blackston read the following ABC License:

- a) Bark Hong Low, Pineapple Restaurant, 2314 W. Kettleman Lane, Suite 103 and 104, Lodi, On-Sale Beer and Wine, Original License

G-3 The following report was presented to the City Council:

- a) Planning Commission report of December 13, 2000

G-4 The following postings/appointments were made:

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

San Joaquin County Water Advisory Commission

Alan Nakanishi Term to expire January 19, 2002

G-5 Miscellaneous – None

H. REGULAR CALENDAR

H-1 "Report to the City Council – Financial Audit for Fiscal Year 1999-2000 (FIN)" was **pulled from the agenda pursuant to staff's request.**

H-2 "Authorize the City Manager to execute a professional services agreement with George Miers & Associates for design and construction administration services for the new Police Building, 200 block of West Elm Street (\$902,000), and execute Contract Change Orders as needed (PW)"

Public Works Director Prima recalled that the feasibility study for this project began in 1996. Property acquisition has begun, with one parcel still left to acquire. The key element of the overall project is to construct a new police facility on the north side of Elm Street. With Council approval of this item tonight it is anticipated that the project will go out to bid late this year with completion of construction in early 2003. Other elements of the project involve dealing with the old public safety building and remodeling Station 2 to accommodate Fire Department staff during construction and completion of a parking structure in the lot along the corner of Elm and Church Streets. Staff plans to do more detailed concept work and preliminary engineering on those elements of the project so that they can come back to Council with the final financing at the time they are ready to award the bid on the police building.

Mr. Prima reported that the 44,000 sq. ft. police building has been designed to accommodate anticipated growth in staff for the next 30 years. From the public entry

visitors will see three directional options: 1) to the right will be the property and evidence area; 2) straight ahead will be a large room for training activities, an area for an emergency operations center, press briefings, and a community room with outside access; and 3) to the left would be the entry to the receptionist. The upper floors are secure areas, which include the Police Chief's office, detectives, investigations section, and other administrative offices. A report writing area will be located in the back of the building off the secure parking area. The jail will be located on the far west-end with a separate entrance. In order to provide a building that has a second floor the same size as the ground floor, there is approximately 8,000 ft. of extra space that may be leased to tenants. The building does not have a pistol range, as it was decided that an outdoor range at some other location would better serve the needs of the department and the community.

In response to Mayor Pro Tempore Pennino, Mr. Prima stated that the rental space revenue would be returned to the City's general fund. There will be some unfinished space in the investigations unit, which cannot be rented because it is in a secure area.

In reply to Council Member Hitchcock's concern regarding cost and financing, City Manager Flynn stated that taking what he believed to be a very conservative approach to the City's anticipated future revenues and expenditures, staff was able to demonstrate that the City can comfortably support a debt financing of \$18-19 million. If costs were to exceed that amount, modifications to the parking structure and renovations to the old public safety building would be considered to keep the project within budget. Prior to awarding the construction project staff will come back to Council with a long-term strategic plan.

Council Member Howard stated that she has reviewed the City's ten-year budget plan and has shared thoughts with staff regarding the cost effectiveness of some of the secondary and tertiary items (i.e. the parking structure, etc.) to ensure that the main structure is completed as appropriate.

Council Member Land stated that the jail should be safe, efficient, and clean, but without unessential amenities. In reference to the issue of cost, he reported that the Council has appropriated funds for the design phase. The City's tax revenues in 1990 were approximately \$22 million, and today are \$37 million. He pointed out that public safety is the number one concern of the Council.

In response to Mayor Pro Tempore Pennino, Police Chief Adams stated that the benefits of Lodi having a jail are savings in staff time, transportation costs, and booking fees by not having to transport prisoners to the County jail. He also emphasized the importance of the educational value to individuals who immediately spend time in jail after being arrested.

City Manager Flynn noted that it would cost the City \$500,000 to \$600,000 per year to house prisoners at the County jail.

Chief Adams reported that he has reviewed hundreds of plans in the last few years and feels confident that the plan now presented to Council is one of the best functionally laid out police departments that he has seen and will meet the Department's need now and for 30 years into the future. He noted the importance of having space designed into the plan for future expansion.

Council Member Hitchcock expressed concern that using money from the general fund will negatively impact services and operational costs needed for the City. She asked the City Manager to provide her with a copy of the City's ten-year plan.

PUBLIC COMMENTS:

- Robert Silva, 24700 Suttentfield Road, Acampo, spoke in support of Lodi having its own jail and being independent from the surrounding area.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Howard second, unanimously authorized the City Manager to execute a contract with George Miers & Associates, of Moraga, for the final design of the new Police Building (including construction drawings, specifications, and construction administration), and execute Contract Change Orders as needed.

- H-3 “Adopt resolution approving no-parking zones on Ham Lane, from 230 feet south of Cardinal Street to Vine Street, to accommodate the installation of a continuous two-way, left-turn lane (PW)”

Paula Hernandez, Traffic Engineer, stated that a number of collisions and complaints about accidents have been reported at the intersections of Ham Lane and Park Street, and Ham Lane and Cardinal Street. Compared to other streets, Ham Lane has one of the higher accident per mile rates. The collision diagram showed 21 collisions out of 39 involved turning vehicles. Staff recommends installing a left turn lane with no parking areas to allow for it.

Council Member Hitchcock and Mayor Pro Tempore Pennino suggested that staff look at the entire length of Ham Lane to Lodi Avenue.

MOTION / VOTE:

The City Council, on motion of Council Member Pennino, Hitchcock second, unanimously adopted Resolution No. 2001-11 approving the restriction of parking along both sides of Ham Lane, from 230 feet south of Cardinal Street to Vine Street, to accommodate the installation of a continuous two-way, left-turn lane.

RECESS

At 8:50 p.m., Mayor Nakanishi called for a recess and the City Council meeting reconvened at 9:05 p.m.

H. REGULAR CALENDAR (Continued)

- H-4 “Approve specifications and advertisement for bids for Annual Tree Trimming Contract (Power Line Clearing) for Electric Utility Department (\$180,000) (EUD)”

Carl Lindstrom, Electric Utility Superintendent, explained that the reason staff is requesting to go out to bid for tree trimming in the middle of a fiscal year is because their tree trimming contractor declined renewal of their contract stating that a 17% increase was needed to cover higher insurance and fuel costs.

MOTION / VOTE:

The City Council, on motion of Council Member Pennino, Howard second, unanimously approved the specifications for a tree trimming contract for power line clearing and authorized advertising for bids.

- H-5 "Adopt resolution authorizing the City Manager to execute a professional services agreement with Scott W. Kenley for purposes of labor negotiations (HR)" was **pulled from the agenda pursuant to staff's request.**

City Manager Flynn reported that staff will solicit proposals for this service and come back to Council with a recommendation.

- H-6 "Adopt resolution awarding the contract for the Lower Sacramento Road Widening Project, Kettleman Lane to Turner Road, to George Reed, Inc.; authorize the City Manager to execute a Work Order for design consultant, Mark Thomas and Company; and appropriate \$7,030,000 for the project (PW)" **formerly E-9**

Public Works Director Prima reported that in the 1960s a specific plan was adopted establishing a width for four lanes on Lower Sacramento Road from Kettleman Lane up to Turner Road. The area has developed over the years; however, the road was never widened. Policies provided for subdividers to dedicate the right of way and build their projects set back from the main roadway. Through funding from Measure K, impact fees, and state allocations the City is now ready to move forward on the road widening project. The environmental process has been completed, as well as all required public hearings. He described the project in detail and stated that it is anticipated to begin in April and be completed by Thanksgiving.

Mayor Pro Tempore Pennino commended staff for their efforts on the project and success in obtaining funding. He noted that the City receives its fair share of transportation dollars from the Council of Governments (COG).

Council Member Land outlined the work that has been done by staff and previous discussions at Council meetings concerning this project: Site plan review, discussions regarding the median, light standards, egress for the Fire Department, plants, trees, shrubs, turn lanes, and public comments from the residents of Taylor Road and Corbin Lane. The project was delayed while the State determined whether there were historic buildings located along Lower Sacramento Road. He emphasized the thorough amount of reports and review that have taken place previously before Council on this subject.

Council Member Howard expressed thanks to Mayor Pro Tempore Pennino for serving as Lodi's representative on COG and being instrumental in bringing funds to the City.

Council Member Hitchcock responded to Mr. Land's intimation that it was not necessary to pull this item from the consent calendar. She concluded that there is a philosophical difference in approaches. Ms. Hitchcock stated that she feels the constituency she represents wants to have knowledge, and in her effort to ensure this happens, discussions before the Council sometimes have to take place on a repetitive basis.

Council Member Land disagreed, stating that this project has been comprehensively discussed during two public meetings and one entire Council meeting that was devoted to the subject. He supported staff's decision to place the matter on the consent calendar and noted that he had spent a considerable amount of time prior to the meeting reviewing volumes of past information on the subject to ensure that every detail had been fully reported and discussed openly.

PUBLIC COMMENTS:

- Otto Krueger, 632 N. Church Street, Lodi, commented that he has an old map that indicates Lower Sacramento Road was part of the Lincoln Highway, which was the first continental highway across the United States.

- Robert Silva, 24700 Suttentfield Road, Acampo, stated that the City of Galt placed landmark signs on Lower Sacramento Road to identify that it was originally the Lincoln Highway.

MOTION / VOTE:

The City Council, on motion of Council Member Pennino, Land second, unanimously adopted Resolution No. 2001-12 awarding the contract for the Lower Sacramento Road Widening Project, Kettleman Lane to Turner Road, to George Reed, Inc., of Lodi, in the amount of \$5,474,479; authorized the City Manager to execute a Work Order for construction management services; and appropriated additional funds in accordance with staff recommendation.

- H-7 "Adopt resolution authorizing the City Manager to sign a consulting services agreement for an Electric Utility Cost of Service Study with EES Consulting, Inc. (not to exceed \$32,000) (EUD)" **formerly E-12**

Electric Utility Director Vallow explained that this item is related to deregulation, in that it has made it necessary to evaluate costs in detail by delineating individual costs for each customer, customer class, and new customer. He commented that he has been very critical of the recent actions of the California Public Utilities Commission for disproportionately burdening businesses with higher rates.

Jim Doyle, Electric Utility Rates & Resources Manager, reported that through the recommended cost of service study, Electric Utility will get a software program enabling them to continue to do these types of studies in the future. An anticipated outcome of this study will be recasting expenses and determining whether revenues are being collected from the right people. The industry and the City have changed considerably since the last time a study of this type was done in 1993.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Land second, unanimously adopted Resolution No. 2001-13 authorizing the City Manager to sign a consulting services agreement for an Electric Utility Cost of Service Study with EES Consulting, Inc.

I. ORDINANCES

None.

J. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Otto Krueger, 632 N. Church Street, Lodi, spoke about pedestrian safety. He stated that the corner of Locust Street and Pleasant Avenue has a ramp with ridges on the sides, which he described as a "trough". He recently fell at that location and urged the Council to look into the unevenness of this walking area. Mr. Krueger also complained of sidewalks being blocked by cars and garbage cans.

Public Works Director Prima surmised that Mr. Krueger was describing a handicap ramp and stated that the City must meet ADA requirements.

City Manager Flynn stated that staff will look at the corner of Locust Street and Pleasant Avenue for pedestrian safety issues and report back to Council on their findings.

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

- Council Member Hitchcock stated that the Mayor represented the Council well during the Unity Day Celebration in honor of Martin Luther King's birthday. She commented that speakers Megan Holly and Richard Jones did an outstanding job at the event. Ms. Hitchcock

asked when a report from the Mokelumne River Task Force would be presented to Council. She noted that a written report from the County had been received and one of the recommendations involved boating in Lodi Lake.

City Manager Flynn replied that the Mokelumne River Task Force was a committee formed by the County. The City merely offered names of individuals from Lodi who were willing to serve on the committee.

Council Member Hitchcock felt that a presentation before the Council would be appropriate because the recommendations impact Lodi Lake and many members of the community have expressed concerns.

City Manager Flynn stated that staff would arrange for a presentation.

Mayor Nakanishi pointed out that the Mokelumne River is under the jurisdiction of San Joaquin County and the Coast Guard.

Council Member Hitchcock recalled that Bob Johnson previously reminded the Council that a prior committee had made a recommendation to limit water craft speed on the river to 5 mph. She also stated it was her understanding that two past task force committees, as well as the Parks and Recreation Department, have studied this issue and made recommendations to the Council. Ms. Hitchcock reiterated her desire to have a presentation from the County on the Mokelumne River Task Force recommendations to provide an opportunity for Council comment and input.

Mayor Pro Tempore Pennino emphasized the importance of clarifying on the agenda that Council would be looking at the issue from an advisory standpoint, so as not to mislead the public into thinking that they have jurisdictional authority.

- Mayor Pro Tempore Pennino suggested that the Council encourage Caltrans to do the landscaping on Kettleman Lane.

Public Works Director Prima reported that staff has to go through an encroachment permit process and will approach Caltrans on the landscaping. If a problem arises they will report back to Council.

- Mayor Nakanishi reported that today he attended the Local Area Formation Commission (LAFCO) City Selection Committee meeting. He learned that AB2838 requires that LAFCO become independent which will result in shared costs to cities, county, and special districts. Lodi's share of the cost will be \$13,000. He noted that Keith Land was appointed on LAFCO as an alternate member.
- City Manager Flynn made the following announcements:
 - 1) Richard Prima and Carlos Tobar were recognized by Lodi Unified School District for their efforts in raising \$1.6 million for the purchase of 14 school buses and a fueling station.
 - 2) This weekend a crab feed will be held as a fundraiser for the Boys and Girls Club.
 - 3) In October the City received the San Joaquin County Mayors Committee Employer of the Month award for its support of disabled persons programs.

L. CLOSED SESSION – None

Continued January 17, 2001

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:55 p.m.

ATTEST:

Susan J. Blackston
City Clerk