

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MAY 16, 2001**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of May 16, 2001 was called to order by Mayor Nakanishi at 6:09 p.m.

Present: Council Members – Hitchcock (arrived at 6:15 p.m.), Howard, Land, Pennino and Mayor Nakanishi

Absent: Council Members – None

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

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Potential and actual litigation; Government Code §§54956.9(a) and 54956.9(b); conference with City Attorney regarding ongoing and potential future PCE/TCE litigation

C-3 ADJOURN TO CLOSED SESSION

At 6:10 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matter.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:05 p.m., Mayor Nakanishi reconvened the City Council meeting, and City Attorney Hays disclosed that there was no reportable action taken in Closed Session.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of May 16, 2001 was called to order by Mayor Nakanishi at 7:05 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 Natalie Reyes, representative of the Baha'i.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Nakanishi.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 (a) Police Chief Jerry Adams presented the following 2001 Police Awards:

- Officer of the Year – Robert Paine
- Police Employee of the Year – Davanna Schmiedt
- Volunteer of the Year – Fran Reilly
- Meritorious Service Award – Steve Carillo (accepted by Judy Porteous)
- Citizen's Service Award – Nick Nunez
- Citizen's Commendation – Dr. Buck Harris
- Life Saving Citations – Chris Jacobson (accepted by Judy Porteous), Eric Bradley, Bonnie Garcia, and Steve Price (accepted by Lt. Chet Somera)
- Chief's Award – Chuck Harman

Keith Cobb, Parole Agent with the California Youth Authority, on behalf of the Northern Parole Victim Coordinators, presented an award to Officer David Griffin who had been injured in the line of duty.

- D-2 (a) Mayor Nakanishi presented a proclamation to Public Works Director Richard Prima proclaiming the week of May 20 – 26, 2001 as “National Public Works Week” in the City of Lodi.
- D-3 (a) Parks and Recreation Director Baltz announced that more than 1,000 elementary students in the Lodi Unified School District will be treated to a baseball game and a drug awareness program at the “Here’s Looking at You 2001” game scheduled for June 13 at Zupo Field. Brian Goldwater and mascot Casey of the Mudville Nine professional baseball club were also present.
- D-3 (b) Matthew Johnston, member of the Greater Lodi Area Youth Commission, acknowledged the Teen of the Month, Chad Hixson from Liberty High School.
- D-3 (d) Assistant Water/Wastewater Superintendent Frank Beeler and Water Conservation Coordinator Dan Straight made a presentation to the City Council regarding Water Awareness Month.
- D-3 (e) Senior Electric Utility Rate Analyst Sondra Huff informed the City Council about the upcoming Lodi Energy Fair, which is scheduled for June 2, 2001, from 8:00 a.m. to 3:00 p.m., at the Lodi Grape Festival Grounds.
- D-3 (c) Management Analyst Janet Hamilton shared with Council a 10-minute video regarding the Lodi Storm System and Mokelumne River Citizen Monitoring Project and acknowledged the many participants of the project. Mayor Nakanishi presented a Certificate of Recognition to Kathy Grant, Coordinator of the “Storm Drain Detective” project.

COMMENTS BY THE PUBLIC ON CONSENT CALENDAR ITEMS

- John Johnson, Lodi Sports Foundation, P.O. Box 608, Lodi, speaking in reference to agenda item E-16, stated that the Foundation supports the City entering into the agreement with the National Guard for use of the Armory. The Foundation has committed \$4,500 to refinish the floor and has purchased 12 portable baskets that could be used at the Armory for basketball games.

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E. CONSENT CALENDAR

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

- E-1 Claims were approved in the amount of \$3,032,160.03.
- E-2 The minutes of April 4, 2001 (Regular Meeting), April 18, 2001 (Regular Meeting), and May 3, 2001 (Joint Meeting w/Greater Lodi Area Youth Commission) were approved as written.
- E-3 Approved the specifications for Thermal Imaging Camera and authorized advertising for bids.
- E-4 Adopted Resolution No. 2001-106 authorizing the purchase of one twelve-yard dump truck for the Street Division of the Public Works Department from Delta Truck Center, of French Camp, CA, in the amount of \$124,280.61.
- E-5 “Adopt resolution authorizing the City Manager to purchase a sole-source Sauber Wire Puller Model 1570-13 (\$36,800.00)” was **removed from the Consent Calendar and discussed and acted upon prior to the Regular Calendar.**

Continued May 16, 2001

- E-6 Adopted Resolution No. 2001-107 adding Dell as an authorized manufacturer of network servers for the City's wide area network, and further authorizing the purchase of a Dell server for Fleet Services' Fleet Anywhere system in the amount of \$9,546.00.
- E-7 Adopted Resolution No. 2001-108 awarding the bid for the purchase of 15kV XLPE concentric neutral primary underground conductor to the low bidders in each size category, as follows:
- |                  |                                      |              |
|------------------|--------------------------------------|--------------|
| 20,000 feet #2   | Pirelli Cables & Systems, Colusa, CA | \$ 16,017.50 |
| 45,000 feet #2/0 | Pirelli Cables & Systems, Colusa, CA | \$ 44,698.50 |
| 20,000 feet #750 | Nexans Energy USA, Warrenton, VA     | \$ 61,630.83 |
|                  |                                      | \$122,346.83 |
- E-8 Accepted the improvements under the Streetlight Completion Project – Phase I contract and directed the Electric Utility Director to file a notice of completion with the County Recorder's office.
- E-9 Accepted the improvements under the "Elm Street Parking Lot Project, 11, 15, and 17 West Elm Street" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- E-10 Adopted Resolution No. 2001-109 accepting the development improvements for Lodi West, Unit No. 7, Tract No. 2964.
- E-11 Adopted Resolution No. 2001-110 accepting the development improvements for the Improvement Agreement for Richards Ranch, Tract No. 2636, and Thayer Ranch, Tract No. 2850.
- E-12 Approved the Improvement Agreement for the public improvements of 770 N. Guild Avenue, directed the City Manager and City Clerk to execute the agreement on behalf of the City, and appropriated funds for the required reimbursements.
- E-13 Adopted Resolution No. 2001-111 authorizing the lease of a modular office unit and a modular restroom unit for the Municipal Service Center of the Public Works Department from Mobile Modular Management Corporation, of Livermore, California, in the amount of \$47,510; and appropriated funds to cover the leases.
- E-14 Adopted Resolution No. 2001-112 approving extension of the existing landscape maintenance contract for July 1, 2001, through December 31, 2001, with Odyssey Landscape Company, Inc., of Stockton, in the amount of \$50,450.00.
- E-15 "Adopt resolution approving an agreement between the City of Lodi and Spare Time Inc., dba Twin Arbor Athletic Club, for use of pools at Twin Arbor Athletic Club facilities for the period of June 4, 2001 to July 27, 2001" was **removed from the Consent Calendar and discussed and acted upon following the approval of the Consent Calendar.**
- E-16 "Adopt resolution approving an agreement between the City of Lodi and the California Military Department for use of the National Guard Armory Building located at 333 N. Washington Street, Lodi, for a period of one year and authorize stated repairs" was **removed from the Consent Calendar and discussed and acted upon following the approval of the Consent Calendar.**
- E-17 "Adopt resolution reallocating \$10,000 in Community Development Block Grant (CDBG) funds from the 2000-01 Salvation Army Project allocation to the 2000-01 Hutchins Street Square Playground Americans with Disabilities Act (ADA) Retrofit Project" was **removed from the Consent Calendar and discussed and acted upon prior to the Regular Calendar.**

Continued May 16, 2001

- E-18 "Adopt resolution authorizing the City Manager to provide funding in the amount of \$125,000 to fund the Public Benefits Program Grant – Lodi Appliance Rebate Program" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-19 Adopted Resolution No. 2001-113 authorizing the City Manager to provide funding in the amount of \$10,750 to fund the Public Benefits Program Grant – Electric Vehicle Charging Station, located at the City of Lodi Municipal Service Center (adjacent to the Electric Utility administration offices).
- E-20 Authorized the issuance of subpoenas based upon the recommendation of the Contamination Advisory Committee.
- E-21 Set Public Hearing for June 6, 2001 to consider an appeal from Wayne Ogren regarding Notice and Order to Repair and Notice and Order to Vacate issued for property located at 225 N. Rush Street, Lodi.
- E-22 Set Public Hearing for June 6, 2001 to consider the request of the Community Development Department for 1a) the Land Use General Plan Amendment changing the designation from PQP, Public Quasi/Public to LDR, Low Density Residential for the Century Meadows 4 Subdivision (parkland portion); 1b) a Rezoning from PUB, Public to R-2, Single Family for the Century Meadows 4 Subdivision (parkland portion); 2a) the Land Use General Plan Amendment changing the designation from LDR, Low Density Residential to PQP, Public Quasi/Public for the Bridgetown Subdivision (parkland portion); and 2b) a Rezoning from R-1, Single Family to PUB, Public for the Bridgetown Subdivision (parkland portion)

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ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-15 "Adopt resolution approving an agreement between the City of Lodi and Spare Time Inc., dba Twin Arbor Athletic Club, for use of pools at Twin Arbor Athletic Club facilities for the period of June 4, 2001 to July 27, 2001"

PUBLIC COMMENTS:

- Sue Camper, 2650 Bayberry Drive, Lodi, reported that 700 children have signed up for summer league swim teams this year, which begin in two weeks. This is the largest number since the 1970s. Ms. Camper disagreed with the perception that members of Twin Arbor will have an "elite" swim team.

Council Member Land expressed thanks to Twin Arbor Athletic Club for offering the use of its swimming pool at no cost to the City.

Council Member Hitchcock noted that Twin Arbor has a semi-private swim group and expressed hope that all summer league swim teams would have an equal advantage.

MOTION / VOTE:

The City Council, on motion of Council Member Howard, Land second, unanimously adopted Resolution No. 2001-114 approving an agreement between the City of Lodi and Spare Time, Inc., dba Twin Arbor Athletic Club, for use of Twin Arbor Athletic Club pool facilities by the summer swim league for period of June 4, 2001 to July 27, 2001.

- E-16 "Adopt resolution approving an agreement between the City of Lodi and the California Military Department for use of the National Guard Armory Building located at 333 N. Washington Street, Lodi, for a period of one year and authorize stated repairs"

Council Member Hitchcock expressed apprehension in expending \$85,000 to improve the facilities at the National Guard Armory prior to having the contract in place.

City Manager Flynn pointed out that it would be one year before the contract is completed.

Council Member Land read from page one, item 2 on the agreement, which states in part, "the California Military Department intends to negotiate and enter into a five-year lease of the property with the City of Lodi for this property within one year." He noted that it is not uncommon for rules and regulations in the military to take a lengthy period of time. He spoke in support of negotiating the lease and emphasized the urgent need for more sports facilities in the community.

Mr. Flynn expressed confidence that the California Military Department would abide by its commitment for a five-year lease.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Pennino second, adopted Resolution No. 2001-115 approved an agreement between the City of Lodi and the California Military Department for use of the National Guard Armory Building located at 333 N. Washington Street, Lodi, for a period of one year and authorized stated repairs. The motion carried by the following vote:

Ayes: **Council Members – Howard, Land, Pennino and Mayor Nakanishi**

Noes: **Council Members – Hitchcock**

Absent: **Council Members – None**

- E-18 "Adopt resolution authorizing the City Manager to provide funding in the amount of \$125,000 to fund the Public Benefits Program Grant – Lodi Appliance Rebate Program"

Sondra Huff, Senior Electric Utility Rate Analyst, reported that the Lodi Appliance Rebate Program is one of the most popular and wide-reaching Public Benefits Programs. It allows for a \$100 rebate on refrigerators, front-loading clothes washers, dishwashers, manual defrost freezers, and single-room air conditioners. Each customer is eligible for up to \$500 in rebates, which are offered through the local businesses of: Anderson Maytag, Ben's Appliance, Filco, Kundert and Bauer, Les Appliance, Reo's Appliance, and Wal-Mart.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Nakanishi second, unanimously adopted Resolution No. 2001-116 authorizing the City Manager to provide funding in the amount of \$125,000 to fund the Public Benefits Program Grant – Lodi Appliance Rebate Program, a component of the City of Lodi Public Benefits Program.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- None.

G. PUBLIC HEARINGS

- G-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 Nakanishi called for the continued Public Hearing to consider the Planning Commission's recommendation of approval to the City Council for a General Plan Amendment and Rezoning for 1041 & 1171 E. Harney Lane; the General Plan Amendment is from PR, Planned Residential to LDR, Low Density Residential and PQP, Public Quasi/Public, and the Rezoning from San Joaquin County AU-20 to R-2, Single Family Residential and PUB, Public; the request also includes a recommendation that the City Council certify Negative Declaration ND-00-12 as adequate environmental documentation for the project; and to initiate annexation of the properties into the City of Lodi.

Community Development Director Bartlam reminded Council that this item had been continued from the regular meeting two weeks ago. The Planning Commission recommends approval for a General Plan amendment and rezoning on the two separate parcels in anticipation of the properties being annexed into the City. The General Plan amendment would place it from planned residential to both Public Quasi/Public in anticipation of the acquisition of that property to Lodi Unified School District for an elementary school, and Planned Residential to Low Density Residential for a subdivision. Mr. Bartlam reported that Public zoning is what is used for all of the publicly-owned facilities, whether it is school or City property. Council discussion at the meeting two weeks ago focused on the issue of an R-2 zoning designation.

In response to Mayor Pro Tempore Pennino, Mr. Bartlam verified that R-2 designation sets the minimum lot size and does not prevent the developer from putting in larger lot sizes.

Council Member Howard acknowledged that she met with a representative of the applicant for this project and invited him from the audience to share with Council his information on proposed changes in lot sizes on the revised plan of the subdivision.

In reply to Council Member Hitchcock, Mr. Bartlam estimated a mid-60 range in the total number of units possible under R-1 zoning, and a mid- to high-80s for R-2 zoning.

Hearing Opened to the Public

- Mamie Starr, Assistant Superintendent with the Lodi Unified School District, 1305 E. Vine Street, Lodi, spoke in favor of the annexation as it would allow the District to move forward on another potential school site that would serve the local community.

Mayor Pro Tempore Pennino asked for Ms. Starr's opinion on the R-1 versus R-2 zoning issue, to which she commented that she had no personal opinion and the District did not have an official position regarding the subdivision zoning.

In reply to Mayor Nakanishi, Ms. Starr reported that construction of the proposed school is contingent upon the ability of the District to obtain funds. The District is presently working to accumulate and budget for the site acquisition and school design funds. Construction will depend upon the availability of local bond and state funds.

In response to Council Member Hitchcock, Ms. Starr stated that the District is currently in the middle of its budget process and should know within the next month whether it will have enough money to purchase the site. She emphasized that purchase of the property is not contingent upon the proposed school bond passing.

Council Member Howard felt that open workshops would be beneficial in informing the public of the District's short- and long-term projections regarding school funding.

Ms. Starr commented that the District would be communicating through the School Board venue in July once it has completed revisions to its Facility Master Plan and Capital Improvement Plan.

In reply to Council Member Hitchcock, Ms. Starr explained that the District uses the student generation rate of .51 K-12 students for new homes, and the overall generation rate of .59 per unit.

- Terry Piazza, 323 W. Elm Street, Lodi, introduced himself as the engineer for both the District and the developer on this project. He submitted handouts (filed) describing the original and revised subdivision plan and pointed out that the revised plan is different in size and mixture of lots. Mr. Piazza explained that an R-1 subdivision has minimum lot sizes of 6,500 square feet, with R-2 having 5,000 square foot minimum lots.

Council Member Land acknowledged that he too spoke with Mr. Piazza previously and noted that the revised tentative map does not include any lot sizes of 5,000 square feet. The revised map indicates 26 units of 5,550 sq. ft.; 33 units between 5,550 and 5,999 sq. ft.; 18 units between 6,000 and 6,499 sq. ft.; and 18 units over 6,500 sq. ft.; for a total of 77 lots.

Mr. Piazza commented that theoretically a person could buy an R-1 lot and build an R-2 house on it. The lot itself does not increase the buyer's construction cost, but it does increase their ownership cost.

Council Member Land noted that with a school nearby, the smaller lots would probably be purchased by families. He asked what guarantee the Council has that Mr. Piazza will present the revised plan to the Planning Commission.

Mr. Piazza explained that there are many steps to the development process. His subdivision plan must be approved by the Development Committee and the Planning Commission prior to coming before the City Council.

Mr. Bartlam further explained the process noting that aside from the annexation procedure, the developer needs to file a development plan with the Community Development Department, which will then be considered as a public hearing by the Planning Commission sometime in September. An allocation request will then come before the Council for the number of growth management allocations. The developers then go into the tentative map stages, which goes to the Planning Commission for approval of the subdivision map. In reference to Mr. Land's inquiry about a "guarantee", Mr. Bartlam stated that if the project were not submitted as indicated on the revised plan, he would not recommend it to the Planning Commission.

Council Member Hitchcock stated that she was glad to see the shift to larger lots on the revised plan. She questioned how the density could be reduced by only five homes on the new plan.

Mr. Piazza explained that the property lines had changed and the school reserve is smaller.

Council Member Hitchcock expressed concern about the community having an "all house look" as opposed to greenscape. She preferred larger lot sizes and believed there to be families that could afford them.

Mr. Piazza maintained that society has changed over the years and people generally do not have time to devote to yard upkeep. In addition, the City has high development fees that raise the cost for homebuyers. Citizens pay higher taxes and have less money for home purchases. He stated that there is no longer a demand for an R-1 subdivision, particularly near an elementary school.

- Jerry Wisner, 808 Tehama, Lodi, stated that he is part of the 21-lot subdivision to the west of the property in question. He spoke in favor of the revised plan and commented that Mr. Luckey promised the Planning Commission that duplexes would not be built in the new subdivision. Access will turn at the area of the elementary school and continue easterly to Mills Avenue.

Public Portion of Hearing Closed

MOTION:

Council Member Howard made a motion, which Council Member Land seconded for purpose of discussion, to:

- Introduce ordinance amending the Official District Map of the City of Lodi and thereby Rezoning the parcels located at 1041 & 1171 East Harney Lane (APN 058-230-11 & 12) from San Joaquin County AU-20 to R-2, Single Family Residential, **subject to the mix of minimum size lots of 5,500 square feet as represented in the revised lot size plan before the Council and including the requirements of larger lots (for example 6,500 square feet or greater)**, and PUB, Public;
- Adopt resolution amending the Land Use Element of the Lodi General Plan by redesignating the 29.43 acres located at 1041 & 1171 E. Harney Lane (APN 058-230-11 & 12) from PR, Planned Residential to LDR, Low Density Residential and PQP, Public Quasi/Public;
- Adopt resolution certifying the Negative Declaration ND-00-12 as adequate environmental documentation for the General Plan Amendment, Prezone and initiation of annexation of property located at 1041 & 1171 East Harney Lane, Lodi, CA; and
- Adopt resolution for application to the San Joaquin County Local Agency Formation Commission in the matter of the Luckey Annexation/Reorganization, including the detachment of certain territory within the area proposed for annexation to the City of Lodi.

DISCUSSION:

Mayor Pro Tempore Pennino stated that he could not support the motion because it would hinder the process that has been established for many years. The motion places restrictions on the project prior to consideration by the Planning Commission.

City Attorney Hays counseled against incorporating Ms. Howard's addition to the motion on this item. He pointed out that this item is being presented to Council to make a determination as to whether or not the recommended zonings represent the proper use for the land. Tying development projects to zoning is not appropriate.

Council Member Hitchcock recalled that in the 14 years she served on the Planning Commission, projects were brought in as Planned Development and the subdivision map was considered at the same time.

Mr. Hays replied that Planned Development is a particular zone circumstance, and the City Code has a particular process tied to it.

Council Member Hitchcock asked if this project could be zoned Planned Development rather than R-2.

Mr. Bartlam replied that Council could not change the zoning to Planned Development because the Planning Commission has not had purview of that being considered.

VOTE:

Council Member Land stated that he agreed with Mayor Pro Tempore Pennino and withdrew his second of the motion. The motion then **died** for lack of a second.

DISCUSSION:

In response to Council Member Howard, Mr. Hays reiterated that her motion had tied a land use decision to a development plan and because the Council is not dealing with a zone that has that criteria with it, it is not appropriate to tie the zoning question to the development plan. The question before the Council is one of land use, not development criteria.

Mr. Bartlam explained that the development plan is a design/review process. Subdivision design gets complete scrutiny by the staff of City departments. He confirmed that staff would not recommend approval if a plan were submitted on this project for all minimum 5,000 sq. ft. lots, and confirmed that Council has ultimate discretion to approve or deny a subdivision project.

MOTION / VOTE:

Further, the City Council, on motion of Mayor Pro Tempore Pennino, Land second, unanimously took the following actions:

- Introduced Ordinance No. 1703 entitled, "An Ordinance Of The Lodi City Council Amending The Official District Map Of The City Of Lodi And Thereby Prezoning The Parcels Located At 1041 & 1171 East Harney Lane (APN 058-230-11 & 12) From San Joaquin County AU-20 To R-2, Single Family Residential And PUB, Public";
- Adopted Resolution No. 2001-117 entitled, "A Resolution Of The Lodi City Council Amending The Land Use Element Of The Lodi General Plan By Redesignating The 29.43 Acres Located At 1041 & 1171 E. Harney Lane (APN 058-230-11 And 12) From PR, Planned Residential To LDR, Low Density Residential And PQP, Public Quasi/Public";
- Adopted Resolution No. 2001-118 entitled, "A Resolution Of The Lodi City Council Certifying The Negative Declaration ND-00-12 As Adequate Environmental Documentation For The General Plan Amendment, Prezone And Initiation Of Annexation Of Property Located At 1041 & 1171 East Harney Lane, Lodi, CA"; and
- Adopted Resolution No. 2001-119 entitled, "A Resolution Of The Lodi City Council For Application To The San Joaquin County Local Agency Formation Commission In The Matter Of The Luckey Annexation/Reorganization, Including The Detachment Of Certain Territory Within The Area Proposed For Annexation To The City Of Lodi".

RECESS

At 9:10 p.m., Mayor Nakanishi called for a recess and the City Council meeting reconvened at 9:27 p.m.

G. PUBLIC HEARINGS (Continued)

G-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 Nakanishi called for the Public Hearing to consider adopting a resolution approving the Transit Division's Fiscal Year 2001 Program of Projects.

Carlos Tobar, Transportation Manager, reported that the City receives \$900,000 per year from the Federal Transit Administration (FTA) for operations and/or capital projects. There is no penalty in carrying the money over from year to year. Two future transit capital projects are planned: additional bus shelters, and the Municipal Service Center (MSC) shop expansion. The MSC shop expansion is estimated to cost \$2 million and \$400,000 is needed for purchase and installation of the bus shelters.

In response to Mayor Nakanishi, Mr. Tobar explained that they would be using funds carried over from fiscal year 1998-99 through 2001-02.

Mayor Pro Tempore Pennino emphasized that Council has not given the go-ahead to move forward on these projects, and they must come back to Council through the established process to get approval.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION:

Council Member Land made a motion, Howard second, to adopt Resolution No. 2001-120 entitled, "A Resolution of the Lodi City Council approving the Federal Transit Administration (FTA) Fiscal Year 2000/2001 Program of Projects".

DISCUSSION:

Council Member Hitchcock cautioned that the item description appears to indicate that Council is approving the projects.

Public Works Director Prima explained that some of the projects (e.g. the parking structure) have already been approved by Council. Projects that require plans and specifications will be brought to the Council for approval.

Mayor Pro Tempore Pennino called attention to the fact that facility upgrades have not yet been discussed with Council. He expressed reservations about purchasing six new compressed natural gas (CNG) vehicles and noted that citizens have commented to him that empty buses are traveling around the City. Mr. Pennino again stated that he is not giving approval for the projects; however, he acknowledged the need to place them in the "pipeline" for FTA funding.

In response to Council Member Hitchcock, Mr. Tobar reported that the CNG Dial-a-Ride buses are heavy duty, have 176 inch wheel bases, and are 25 feet in length. In reference to citizen comments about empty buses, Mr. Tobar countered that the ridership on the Grapeline buses compared to other cities is very good. He noted that Lodi is one of the first cities in the state to retire its diesel buses.

Mayor Pro Tempore Pennino stated that he would like the issue of transit brought back for Council consideration after the 2001-03 budget is approved.

VOTE:

The above motion carried by a unanimous vote.

H. COMMUNICATIONS

H-1 Claims filed against the City of Lodi – None

H-2 The following report was presented to the City Council:

a) Planning Commission report of April 25, 2001

H-3 Appointments – None

H-4 Miscellaneous

a) Received for information only the cumulative Monthly Protocol Account summary through May 7, 2001.

ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

E-5 "Adopt resolution authorizing the City Manager to purchase a sole-source Sauber Wire Puller Model 1570-13 (\$36,800)"

In response to Council Member Hitchcock, Carl Lindstrom, Electric Utility Superintendent, reported that funding on this item is from the Certificates of Participation (COP) approved by Council two years ago.

MOTION:

Council Member Hitchcock made a motion, Land second, to adopt Resolution No. 2001-121 authorizing the purchase of a Sauber Wire Puller Model 1570-13 from the sole-source manufacturer of this design of wire puller, Sauber Manufacturing, of Virgil, IL, in the amount of \$36,800.00.

DISCUSSION:

Mayor Pro Tempore Pennino stated that this purchase is not what the COP was earmarked for, nor what it was intended for, and noted that it should have been a regular budget item.

VOTE:

The above motion carried by a unanimous vote.

- E-17 "Adopt resolution reallocating \$10,000 in Community Development Block Grant (CDBG) funds from the 2000-01 Salvation Army Project allocation to the 2000-01 Hutchins Street Square Playground Americans with Disabilities Act (ADA) Retrofit Project"

In reply to Council Member Hitchcock, Community Development Director Bartlam explained that federal Community Development Block Grant funds cannot be used for improvements of facilities owned by organizations or institutions that are religious in nature. The Salvation Army originally applied for funds toward its chapel on Lockeford Street and now understands the situation and has since decided not to participate.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Pennino second, unanimously adopted Resolution No. 2001-122 authorizing the reallocation of \$10,000 in CDBG funds from the 2000-01 Salvation Army Project allocation to the 2000-01 Hutchins Street Square Playground ADA Retrofit Project.

I. REGULAR CALENDAR

- I-1 "Approve Roget Park Master Plan, authorize test well drilling, approve specifications and authorize advertisement for bids for Site Improvements (Phase 1)"

Public Works Director Prima reviewed the Roget Park project and reported that public meetings have taken place and approval by the Parks and Recreation Commission has been received. Pending Council approval, the test well will be drilled on the far west side of the property near the wall of the Target store. If the test well is not satisfactory, staff will return to Council for authorization to drill at a different location in the park or to go elsewhere. Staff is also requesting approval for preliminary site development. He reported that a number of trees at the park are dead or diseased and some of the shrubbery does not fit in with the master plan. Tree trimming needs to be done, as well as mowing the weeds.

Mayor Pro Tempore Pennino recommended that the horseshoe pits be moved away from the residential area and toward the activities such as bocci and the multi-use game court.

Parks and Recreation Director Baltz confirmed that he would follow-up on the recommendation.

In response to Mayor Nakanishi, Mr. Prima explained that a test well is drilled to determine if there is any water quality or quantity issues; ideally, wells produce 1,500 gallons a minute.

MOTION/ VOTE:

The City Council, on motion of Council Member Land, Pennino second, unanimously approved the site master plan, authorized test well drilling, approved specifications and authorized advertisement for bids for initial Roget Park site improvements.

- I-2 "Adopt resolution approving the reallocation of one Police Officer position to Police Corporal"

Police Chief Adams noted that the reallocation of one Police Officer position to Police Corporal is a command decision based on the department's desire to recognize Bob Amin who works in the computer operations division. The Department currently has six Corporals in patrol, and one in administration. Officer Amin is a Certified Microsoft Engineer and is invaluable to the department due to his understanding of both police operations and computers. Officer Amin is in charge of a \$1.8 million records management and Computer Aided Dispatch (CAD) system. In addition, he makes decisions on computer acquisitions and negotiates contracts with computer vendors.

In reply to questions by Mayor Pro Tempore Pennino, Stan Helmle, Information Systems (IS) Manager, assured Council that IS is centralized and Officer Amin seeks technical guidance from Mr. Helmle and adheres to equipment standards. He emphasized the great value of having an individual who understands the police industry, has a strong security background, and knowledge of the terminology.

Council Member Hitchcock questioned whether Officer Amin's title is being changed solely to offer him a higher salary and why the reallocation is being recommended outside of the regular budget process, which is currently nearing completion.

Chief Adams confirmed that Officer Amin's responsibilities warrant promotion to the rank of Corporal. He stated that if Officer Amin were to terminate his employment with the City, and there were no other Police Officers with his background, he would not keep the additional Corporal position.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Pennino, Howard second, unanimously adopted Resolution No. 2001-123 approving the reallocation of one Police Officer position to Police Corporal.

- I-3 "Adopt resolution approving the reallocation of one Heavy Equipment Mechanic position to Lead Equipment Mechanic"

Kirk Evans, Senior Human Resources Analyst, reported that the day crew at the Public Works Fleet Services division currently has a lead mechanic, while the night crew does not. This request is to reallocate a Heavy Equipment Mechanic position to Lead Equipment Mechanic on the night crew, and does not result in an increase in the number of positions.

MOTION:

Mayor Pro Tempore Pennino made a motion, Land second, to adopt Resolution No. 2001-124 approving the reallocation of one Heavy Equipment Mechanic to Lead Equipment Mechanic.

DISCUSSION:

Council Member Hitchcock asked if there is some necessity for expediency, which prevented this request from being included in the regular budget process.

Public Works Director Prima responded that this employee has been on a temporary upgrade for a lengthy period of time and the Department had wanted to make the reallocation for the past year.

VOTE:

The above motion carried by a unanimous vote.

- I-4 "Discussion regarding proposed Lodi Safe Kids' Day as requested by Council Member Howard"

City Manager Flynn announced that he has assigned Community Center Director Charlene Lange to work with Council Member Howard on the Lodi Safe Kids' Day event.

Council Member Howard recalled that she had first presented the concept of a Lodi Safe Kids' Day event to Council in January. It had originated from discussions she had with Anthony Silva, Aquatics Coordinator at Hutchins Street Square. Since January, meetings have taken place with Mary Fuhs, Community Service Officer; Ron Tobeck, Division Commander; Charlene Lange, Community Center Director; and Janet Hamilton, Management Analyst. The event has been proposed for June 23, 2001 from 9:00 a.m. to 12:00 p.m. at Blakely Park. The time was moved up from 10:00 a.m. to 2:00 p.m. to accommodate a swim meet that was scheduled for the same date. The event will include instruction on the danger of fireworks, proper installation of car seats, bicycles and the importance of helmets, safety around animals, medical information, pedestrian safety, and information on the home alone program. The majority of the \$5,000 expense for the event is related to overtime for City personnel. Free bicycle helmets and refreshments will be offered.

Council Member Land posed eight questions/concerns, to which Ms. Howard responded as follows:

1. In order to make this event successful, instead of doing a stand-alone event, is it possible to do a co-sponsored event (e.g. Celebration on Central or the annual Downtown Halloween event)?

The month of June was selected as the optimum time because it was in early summer and is meant to help prevent summertime activity accidents; although, Ms. Howard stated that she was receptive to combining it with an event that has already been established.

2. Are we duplicating any other type of services that are available, such as the classes offered at Hutchins Street Square and through the Arts Commission (e.g. swimming lessons, water safety programs, first aid classes)?

The Safe Kids' Day will serve as another opportunity to promote those programs in the community. The target age group is 12 years and under.

3. Are you selectively choosing sponsorship of individuals and businesses or offering an open invitation for everyone to participate?

Participants were selected based on the service or equipment they offered and many were part of the Police Crime Prevention Fair. Ms. Howard asked to be informed if other individuals or businesses express an interest in participating, as everyone is welcome to participate and were not intentionally excluded.

4. How will you measure the success of the event?

Ms. Howard had not yet determined a success measurement for the event.

5. Why are you offering fireworks information when they are illegal in Lodi?

Emphasis will be placed on the fact that fireworks are illegal within the City limits.

6. Two years ago Stewart Chiropractic, 245 E. Kettleman Lane, Lodi, began a Kids Safety Day. Will this event infringe on his program and has he been asked to participate?

Ms. Howard was unaware of a similar event coordinated by Stewart Chiropractic.

7. Swim meets often have 250 youth participating and take longer than anticipated.

Ms. Howard acknowledged there could be conflicting time schedules and was agreeable to moving the event to another weekend.

8. The City has had a bike rodeo and Crime Prevention Fair in the past, how successful were they?

Captain Ron Tobeck reported that these events were discontinued three to four years ago because the small attendance did not warrant the \$8,000 to \$10,000 expenditure. The department continues a similar program on a smaller scale called "Meet the Beats".

Council Member Land expressed reservations about trying to organize this event in only four to five weeks. He suggested the Kiddies Parade as another successful program to combine this function with, or using Hutchins Street Square as the location.

Council Member Hitchcock commended Ms. Howard for her planning and effort toward the Lodi Safe Kids' Day concept. She supported the location at Blakely Park and suggested that if a compromise in the time could be made, perhaps the youth participating in the swim meet would also attend Lodi Safe Kids' Day.

Mayor Pro Tempore Pennino also commended Ms. Howard for her efforts. He too expressed support for the location of Blakely Park; however, he felt that it should not interfere with the swim meet that has already been scheduled there. He suggested that Ms. Howard pursue contributions from the community and perhaps hold the event from 5:00 p.m. to 8:00 p.m.

City Manager Flynn stated that staff is prepared to move forward on this event once direction is given by Council. He pointed out that the City has an ordinance that requires Council to work through the City Manager, rather than directly with staff.

Mayor Nakanishi supported the event and suggested that the time and date not interfere with the swim meet.

Parks and Recreation Director Baltz stated that he would look into options such as rescheduling the swim meet to be held at the Tokay High School pool.

MOTION / VOTE:

The City Council, on motion of Council Member Howard, Land second, unanimously approved the concept for Lodi Safe Kids' Day; appropriated \$5,000 to cover anticipated expenses; and authorized Ms. Howard to continue to work with the City Manager and Community Center Director on confirming an appropriate day and time to hold the event.

J. ORDINANCES

- J-1 Ordinance No. 1702 entitled, "An Ordinance Of The Lodi City Council Amending The Official District Map Of The City Of Lodi And Thereby Rezoning 255 East Harney Lane (APN 062-290-09) From C-S, Commercial Shopping To C-1, Neighborhood Commercial" having been introduced at a regular meeting of the Lodi City Council held May 2, 2001 was brought up for passage on motion of Mayor Pro Tempore Pennino, Land second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

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

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

- Council Member Howard suggested that Council consider changing the format for special joint meetings. Rather than a dinner, she recommended having an informal meeting at the Carnegie Forum, which would better accommodate the public. Benefits would also include decreased cost to the City and less burden on Hutchins Street Square where the dinner meetings are typically held.

*Continued May 16, 2001*

- Council Member Land stated that he received an e-mail from Dustin Maple commenting that there is nothing for teenagers to do in Lodi. In response, Mr. Land reported that the City is considering a new skatepark and BMX bike area. Activities offered at Hutchins Street Square include classes in art, photography, dancing, piano, kayaking, scuba diving, water safety, lifeguard certification, first aide, etc. He also mentioned that the Lodi Energy Fair will be held on June 2 and encouraged everyone to attend.
- Council Member Hitchcock expressed concern that housing allocations will be considered in September and the Development Impact Fees still have not been updated.

Deputy City Manager Keeter reported that the Public Works Department has been working diligently on this and has had several meetings with developers. Questions resulted from public workshops, which have delayed the matter coming to Council until they are resolved.

L. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager Flynn pointed out that the first Wednesday in July falls on the 4<sup>th</sup> of July Holiday.

Following discussion, Council concurred with canceling the Shirtsleeve Session of July 3, the Regular meeting of July 5, and scheduling a Special meeting on July 10, if needed.

Mr. Flynn distributed copies of the May Governor's Budget Revision for 2001-02 (filed) and noted that the Education Reinvestment Augmentation Fund (ERAF) reduction for Lodi is approximately \$125,000.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:00 p.m.

ATTEST:

Susan J. Blackston  
City Clerk