

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, NOVEMBER 7, 2001**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of November 7, 2001 was called to order by Mayor Nakanishi at 6:05 p.m.

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

Absent: Council Members – Hitchcock

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

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Prospective acquisition of real property located at 22 E. Locust Street, Lodi, CA (APN 043-082-02) and 17 E. Elm Street, Lodi, CA (APN 043-082-01); the negotiating parties are City of Lodi and Weber, Herman & I TRS.; Government Code §54956.8
- b) Prospective acquisition of real property located at 21 E. Elm Street, Lodi, CA (APN 043-082-03); the negotiating parties are City of Lodi and Craig C. and Ann H. Peden; Government Code §54956.8
- c) Actual litigation: Government Code §54956.9(a); one case; Citizens for a Quiet Kofu Park vs. City of Lodi, San Joaquin County Superior Court Case No. CV 014871

C-3 ADJOURN TO CLOSED SESSION

At 6:05 p.m., the Council adjourned to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:43 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:00 p.m., Mayor Nakanishi reconvened the City Council meeting.

City Attorney Hays reported that in reference to items C-2 a) and b) involving property acquisition circumstances, the Council provided direction to its staff and negotiators with regard to dealing with the acquisition of the properties. The City is considering acquisition of the properties for the development of an indoor sports complex. In reference to item C-2 c) the Council entertained a settlement proposal from the plaintiffs in the matter. The Council gave direction to staff with regard to that settlement proposal.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of November 7, 2001 was called to order by Mayor Nakanishi at 7:00 p.m.

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

Absent: Council Members – Hitchcock

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

B. INVOCATION

The invocation was given by Associate Pastor Gene Hardin, Heartland Community Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scout Troop 291.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

- D-2 (a) Mayor Nakanishi presented a proclamation to Christine Wied, representing Central Valley Waste Services (CVWS), proclaiming November 15, 2001 as "America Recycles Day" in the City of Lodi. Ms. Weid presented a certificate to the Mayor in appreciation of the City's support in recycling efforts.
- D-3 (a) Ms. Wied announced CVWS's Coats and Cans program to be held from December 4 through 7. This will be the eighth year that CVWS has collected coats, cans, and blankets for the needy. These items are to be placed in a plastic bag next to customers' recycling containers during the program dates. Guild Cleaners has offered to clean all the coats and blankets collected. Last year CVWS collected 535 coats, 107 blankets, and 1,109 pounds of canned goods.
- D-3 (b) Ken Boyce, Executive Board President, Los Angeles/Orange County Chapter of the Maintenance Superintendents Association, and L.D. Johnson, Past President & immediate past award recipient, presented the 2001 Peter W. Walsh Award to Street Superintendent George M. Bradley.
- D-3 (c) Dennis Lewis, Lodi Police Officer and President of Lodi Adopt-A-Child, reported that in 1989 Lodi Adopt-A-Child began as a committee of the Police Officers Association. In 1997 the federal government granted Lodi Adopt-A-Child non-profit status. It is currently governed by a volunteer 15-member board of directors. In January 2002 the foundation will begin a Cub Scout pack, Boy Scout troop, and two Girl Scout troops, as gang alternative programs focused on children living on Lodi's eastside. Officer Lewis asked the Council and community for support of Lodi Adopt-A-Child's Christmas Wish program for local disadvantaged and abused children.
- D-3 (d) Community Promotions Coordinator Cynthia Haynes gave a presentation to the City Council regarding the All Military Veterans' Plaza Poetry Reception, which will be held at Phillips Farms on Thursday, November 8, 2001 from 6:00 – 7:00 p.m. Seventeen poems were selected from 90 entries. The poems will be engraved in the plinth stones on the Veterans' Plaza.
- D-3 (e) Ms. Haynes provided information to the Council regarding the upcoming Veterans Parade, which will be held on Monday, November 12, 2001 at 11:00 a.m. in downtown Lodi. The parade is being sponsored by the Veterans' Plaza Foundation and the Downtown Lodi Business Partnership (DLBP). All Veterans and the community are invited to participate in the parade.
- D-3 (f) Ms. Haynes informed the City Council and the public of the upcoming Elm Street Promenade ribbon cutting, which will take place on November 15, 2001 at 5:30 p.m. The City of Lodi, Lodi Chamber of Commerce, and the DLBP are sponsoring the ribbon cutting celebration to mark the official opening of the Elm Street Promenade. The evening will consist of a ribbon cutting, proclamations presented by legislative dignitaries, and will conclude with a reception at the Merlot.
- D-3 (g) Management Analyst Janet Hamilton presented an update on the successful 2<sup>nd</sup> annual Celebration on Central, a collaboration between the Community Partnership for Families of San Joaquin and the City of Lodi. The health and safety event, which was held on September 30, targeted families on the east side of Lodi and attracted an estimated 5,000-6,000 people. Almost 70 agencies and organizations participated in the event, offering services such as health screenings, medicine, immunizations, and children's activities, as well as other information.

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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, Land second, approved the following items hereinafter set forth by the vote shown below **except those otherwise noted**:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

- E-1 Claims were approved in the amount of \$7,202,995.04.
- E-2 The minutes of October 3, 2001 (Regular Meeting), October 9, 2001 (Shirtsleeve Session), and October 17, 2001 (Regular Meeting) were approved as written.
- E-3 Approved the specifications for fifteen 30-foot steel streetlight standards and authorized advertisement for bids.
- E-4 Approved the specifications for 20,000 feet of #350kcmil 600-volt underground triplex for the Electric Utility Department and authorized advertisement for bids.
- E-5 Approved the specifications for 20,000 feet of #2/0 15kV XLPE concentric neutral underground conductor for the Electric Utility Department and authorized advertisement for bids.
- E-6 Approved the specifications for physical conditioning equipment for Fire Station #4 and authorized advertisement for bids.
- E-7 Adopted Resolution No. 2001-247 approving procurement of materials and supplies for the Fire Department from the Department of General Services.
- E-8 Adopted Resolution No. 2001-248 authorizing the purchase of a digital duplicator machine from Riso Products, of Sacramento, in the amount of \$10,422.13.
- E-9 "Adopt resolution rejecting lowest bid for Armory Park Bleacher Improvements, 333 N. Washington Street, and awarding the contract to the next lowest responsible bidder, Benton Fence and Drilling, of Galt" was **removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.**
- E-10 Adopted Resolution No. 2001-249 awarding the contract for installation of utility substructures, Cherokee Lane and Sunwest Area, to the low bidder, Kinnan Engineering, Inc., of Camas Valley, OR, in the amount of \$68,927.
- E-11 Adopted Resolution No. 2001-250 authorizing the City Manager to execute a professional services contract in the amount of \$69,110 with Blymyer Engineering, of Alameda, for the Lodi Unified School District compressed natural gas (CNG) station; and appropriated an additional \$6,890 for contingencies for a total appropriation request of \$76,000 for design and construction management services.
- E-12 Adopted Resolution No. 2001-251 awarding the contract for Traffic Signal and Street Lighting for Harney Lane and Stockton Street to Collins Electrical Company, Inc., of Stockton; and appropriated additional funds in accordance with staff recommendation.
- E-13 Adopted Resolution No. 2001-252 awarding contracts for the purchase of CNG equipment components to Kraus Group, Inc., of Winnipeg, in the amount of \$81,000; Kraus Group, Inc., of Winnipeg, in the amount of \$53,400; and Shields, Harper & Company, of Stockton, in the amount of \$23,220 (these amounts include freight charges); and appropriated funds in accordance with staff's recommendation.
- E-14 Adopted Resolution No. 2001-253 awarding emergency repair work of the Hutchins Street Square pool to Spray Tech Fiberglass Pool Lining, of Gold River, California, in the amount of \$32,500; and appropriated funds for the project.
- E-15 "Approve final map and improvement agreement for Century Meadows Three, Unit No. 5, Tract No. 2976" was **pulled from the agenda pursuant to staff's request.**
- E-16 Approved the improvement deferral agreement for 1055 S. Lower Sacramento Road and directed the City Manager and City Clerk to execute the agreement on behalf of the City.

- E-17 Approved the improvement agreement for the public improvements of 535 S. School Street (APN 045-203-06) and directed the City Manager and City Clerk to execute the improvement agreement on behalf of the City.
- E-18 "Authorize the City Manager to execute the agreement for Hazardous Materials Team within San Joaquin County" was **removed from the Consent Calendar and discussed and acted upon following the Regular Calendar.**
- E-19 Authorized the City to join the amicus brief in the case of Alford v. Superior Court (San Diego County), California Supreme Court.
- E-20 "Authorize funds from the Protocol Account and direct the City Clerk to coordinator the City Council reorganization reception at the December 5, 2001 Council Meeting (approx. \$3,300)." \*

DISCUSSION

City Manager Flynn stated that Item E-20 is being removed from the agenda at the request of the Mayor on the grounds that the City will not be going forward with expenditures in excess of \$1,000. There are members of the community who have offered to donate funds to ensure that the reorganization reception meets the Council's standards.

Council Member Howard asked that Item E-20 be placed back on the agenda.

\*Item E-20 was **discussed and acted upon following the Regular Calendar.**

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F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Wilbert Ruhl stated that a newspaper article in The Record last Saturday reported that 17 people are involved in promoting a sports complex, which would cover 100,000 farm acres. He objected to the plan and pointed out that the individuals involved are developers, not farmers. The City has 500,000 acres of land in the area, which is six to seven miles outside the City limits. He believed this to be an inappropriate location for the sports complex because youth would have difficulty getting to the area and it is closer to Stockton than Lodi. Mr. Ruhl stated that government has abused the use of eminent domain and Lodi does not have the right to its use in acquiring more land in this area. He felt that the land proposed for the sports complex should be used by the City for future development of White Slough sewer facility.

Mayor Nakanishi responded that the Council has not yet discussed this issue because the Environmental Impact Report (EIR) has not been completed.

City Manager Flynn reported that staff is now in the process of working with the developers and consultants regarding the EIR. There has never been any intent to use eminent domain on property in that area. Public meetings before the City Council are anticipated to be held in February or March 2002, to consider the EIR.

Council Member Land asked staff to ensure that Mr. Ruhl is informed when the public meetings would be held.

In response to Council Member Land's inquiry regarding whether there would be notification about this matter in the newspaper, Mr. Flynn replied in the affirmative.

- Georgianna Reichelt announced that she was speaking as the president of the Land Utilization Alliance. She stated that when a public meeting was held regarding the sports complex it was packed with people and only five or six attendees were in favor of the

complex. She asked whether redevelopment would be connected with the sports complex and if additional land would be needed. The Record newspaper article reported that the EIR would be ready Thanksgiving week. Ms. Reichelt prefaced her next statement by stating that she was speaking on her own behalf and did not want anything added, misunderstood, or altered. Ms. Reichelt stated that she was alive during WWII. Her grandparents were immigrants, and two were from Germany. Several of her cousins were in Hitler's SS. Ms. Reichelt asserted that at no time was she or her family against WWII, or in support of what Germany did, and declared that they are "100% Americans." A newspaper article printed October 3 in The Record stated that Mexico was not supporting the United States in its war against terrorism. Ms. Reichelt expressed her opinion that the United States should not be educating or giving jobs to illegal immigrants.

City Manager Flynn replied that the redevelopment agency is not involved in ProStyle Sports and there has been no discussion related to acquiring additional land for the project. He noted, however, that the City may be looking at additional land due to state regulations, which require disposal of waste at White Slough. In reference to The Record's report regarding Thanksgiving week, Mr. Flynn stated that the draft EIR may be released to the public at that time.

- Darryl Claire commented that he attended high school in Lodi over 30 years ago. On September 16 he, his son, and a friend, entered Lodi Lake to jet ski on the Mokelumne River. After skiing some distance on the river they were approached by patrolling Sheriff and Police representatives, informed that they had violated the 5 mph speed limit past a boat dock, and fined \$250. He understood that significant revenues have been generated from these fines. Mr. Claire made the following suggestions: 1) distribute boating laws and safety informational fliers to everyone that pays launching fees; and 2) paint the "no stopping or swimming" signs on the reverse side, so that those on the water can read them.

Council Member Land recalled that a year ago he had recommended that boating education material be given to individuals when they pay their launching fee.

City Manager Flynn indicated that he would look into instituting Mr. Claire's suggestions.

- Emily Denham stated that she is currently a senior at California State University Sacramento working on a bachelor's degree in social work. She spoke about the lack of decent, affordable housing in Lodi and hoped to promote community interest in the subject. Ms. Denham read statements from California Code Sections 50001, 50002, and 54236 (g), and Assembly Bill 2780. She cautioned against ignoring this important issue and believed that citizens are being driven out of Lodi because of high rents. Ms. Denham stated that her objective is to collect statistical data from a survey and bring it to Council's attention in hope that an advisory committee would be formed to develop strategies to address the problem. She offered anyone in the community who wished to reach her regarding this matter to call 339-4482.

Community Development Director Bartlam reported that he previously provided Ms. Denham with information on the City's General Plan, Housing Element, and its upcoming update.

G. PUBLIC HEARINGS

None.

COMMUNICATIONS

H-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, Pennino second, rejected the following claim by the vote shown below:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

a) Alicia Miqbel, date of loss 5/10/01

H-2 The following reports were presented to the City Council:

a) Planning Commission report of October 10, 2001

b) Planning Commission report of October 24, 2001

H-3 The following postings/appointments were made:

a) The City Council, on motion of Mayor Pro Tempore Pennino, Land second, made the following appointments to the East Side Improvement Committee and the Lodi Planning Commission by the vote shown below:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

East Side Improvement Committee

Sunil L. Yadav Term to expire March 1, 2004

Lodi Planning Commission

Dennis White Term to expire June 30, 2004

b) The City Council, on motion of Council Member Land, Howard second, directed the City Clerk to post for the following vacancy on the Lodi Animal Shelter Task Force by the vote shown below:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

Lodi Animal Shelter Task Force

Joe Guzzardi Unspecified term limit

H-4 Miscellaneous – None

I. REGULAR CALENDAR

I-1 "Adopt resolution confirming the election and appointment of members to the Project Area Committee for the Lodi Redevelopment Project No. 1"

City Clerk Blackston reported on the following actions that took place in accordance with the procedures for the formation of a project area committee (PAC) for Lodi Redevelopment Project No. 1 and the election of its members as outlined in Resolution Nos. 2001-214 and 215:

- September 14 – A notice of public meetings, election, and call for volunteers to serve as members of the PAC was mailed to all known residents, businesses, and community organizations in the project area. This notice was published in the Lodi News-Sentinel on September 15.
- September 25 – A public informational meeting was held at 7:00 p.m. at the First Baptist Church, 19 S. Central Avenue, to discuss the Redevelopment Plan; the establishment of, functions of, and opportunity to serve on the PAC; and the eligibility requirements for the committee members.

*Continued November 7, 2001*

- October 3 – A special notice was published seeking candidates for the committee.
- October 5 – A second notice of public meetings, election, and call for volunteers to serve as members of the committee was published.
- September 25 through October 15 – Sixteen candidates applied for and qualified to be designated as a member of the PAC.
- October 16 – The PAC election was conducted at the Carnegie Forum from 8:00 a.m. to 7:00 p.m. A total of 80 ballots were cast for candidates in four membership categories.

Ms. Blackston announced the election results as follows:

Category: Residential Owner-Occupant

- 6 votes – Laura Mayate-DeAndreis
- 5 votes – Deane C. Savage

Category: Residential Tenant

- 1 vote – Connie Jauregui
- 1 vote – Virginia Snyder

Category: Business Owner-Tenant

- 13 votes – Chuck Easterling
- 11 votes – Eduardo E. Aguirre
- 7 votes – JoAnne Mounce

Category: Business Owner-Property Owner

- 28 votes – Sunil L. Yadav
- 20 votes – Beth Griffin Latta
- 15 votes – Will Ackel
- 8 votes – Joseph Newfield
- 6 votes – Mark Anthony Gisler
- 6 votes – George E. Griffith
- 6 votes – John L. Young
- 5 votes – Todd J. Otto
- 3 votes – Dirk Happee

Ms. Blackston explained that the two candidates in each of the four membership categories who received the highest number of votes were elected. Section 302 of the procedures for the formation of a PAC specifies that a fifth membership category of an Existing Community Organization be designated. Staff recommends that Council appoint the East Side Improvement Committee to serve under this category. The committee would then appoint one of its members to serve as a representative on the PAC.

In response to Council Member Land, Ms. Blackston explained that proof of eligibility to vote, and for candidate category qualification, was determined by checking documents such as drivers licenses, utility bills, and business licenses.

Council Member Howard thanked the City Clerk's Office staff for conducting the PAC election.

MOTION/ VOTE:

The City Council, on motion of Council Member Howard, Land second, adopted Resolution No. 2001-254: 1) confirming the election; 2) appointing the East Side Improvement Committee as the Existing Community Organization on the Project Area Committee (PAC) for the Lodi Redevelopment Project No. 1; and 3) finding that the PAC election procedures were followed, by the vote shown below:

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

- I-2 "Adopt resolution approving the design and awarding the bid for Firefighter Memorial at Fire Station #4 to Natural Rock Formation, of Valley Springs, CA (\$870.34)"

Fire Chief Pretz introduced Craig Copulos, Fire Engineer, and Aimee Dalrymple, Firefighter II.

Mr. Copulos reported that the state is building a memorial wall for all firefighters who have died in the line of duty. Lodi submitted the names of Elton "Bud" Groteulchen who died in 1962, and John Franklin McMahon Jr. who died in 1989 from job related exposure to asbestos. In addition, a committee was formed and determined that a rock memorial engraved with these names be placed next to the flagpole at the new Fire Station #4.

Ms. Dalrymple stated that the cost of the rock memorial would be \$870.34. Donations of \$100 from Coyne Construction and \$200 from the United Firefighters of Lodi have been received. She requested that Council approve funding for the balance.

MOTION / VOTE:

The City Council, on motion of Council Member Howard, Land second, adopted Resolution No. 2001-255 approving the design and awarding the bid for the Firefighter Memorial at Fire Station #4 to Natural Rock Formations, of Valley Springs, CA, in the amount of \$870.34 by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

- I-3 "Approve \$50,000 donation for Blakely Field improvements and program changes"

Parks and Recreation Director Baltz stated that the VM Family Foundation has offered the City a donation of \$50,000 for renovations to the east baseball field at Blakely Park. The scope of work may include: removal of existing chain link fence, concrete dugouts, infield turf and soil; trucking of the soil; reconstructing the ball fields new sod; installation of fertilizer; and supplies. This work would allow for 80-foot base paths. If the donation is approved, the donor has requested that the field be made available for competitive baseball team uses of a couple of practices per week and games on the weekends. Program changes would need to be made to accommodate the request; however, priority uses would remain the same, i.e., first priority for City programs and second priority for high school uses. Adult use of the field on weekends by the CalMex League would have to be shifted elsewhere. More practice would occur at the Peterson Park facility, which has the capacity to have a 90-foot baseball field for practice. If the donation is accepted and improvements are made to the field at Blakely Park, additional maintenance would need to be made similar to that of Kofu Park, which requires 390 hours annually.

Mayor Pro Tempore Pennino felt that the competitive Under 14 baseball league team should be affiliated with the City if it is to be allowed to use the field twice a week, and he encouraged Mr. Baltz to negotiate it. He recalled past Council discussion pertaining to Peterson Park's 90-foot field and asked that the City Clerk research the minutes.

Mr. Baltz reported that practices currently occur at Peterson Park on the 60-foot field. In order to accommodate the Foundation's request, improvements would have to be made at Peterson Park, such as building up a pitchers mound, making sure the backstops are useable, and additional maintenance.

Council Member Land also recalled past Council discussion related to Peterson Park practice restrictions. He questioned whether the City has a policy addressing donations, which are made in exchange for exclusive rights to a facility.

City Manager Flynn replied that the City does not have such a policy and pointed out that it involves more than Parks and Recreation, because the City often gets donations that have associated conditions.

Council Member Land felt that a policy should be developed and brought back to Council. He asked Mr. Baltz if he had adequate funds budgeted for the additional park maintenance.

Mr. Baltz replied that this opportunity was unforeseen, and consequently not anticipated in the budget.

City Manager Flynn stated that any recommendations would be brought back with the normal budget process in the spring.

Council Member Howard requested that this item be continued to allow staff time to follow up on Council's questions and recommendations.

In response to Mayor Pro Tempore Pennino, Parks Superintendent Dutra indicated that delaying the item two weeks would prevent staff from accomplishing the park improvements as needed by January or February 2002.

Mayor Pro Tempore Pennino was in support of moving forward on the issue; however, he reiterated his concerns as follows: 1) a policy needs to be developed related to donations with associated conditions; 2) research minutes for past Council discussion pertaining to Peterson Park practice restrictions; 3) affiliate the competitive Under 14 baseball league team with the City, similar to the Lodi City Swim Club agreement; and, 4) arrange through the budget process or by donations, adequate funding for additional park maintenance costs.

Council Member Howard questioned whether the Foundation would rescind its offer if approval of the donation were not made at tonight's meeting.

Mr. Baltz stated that he could not speak for the donor; however, he expressed uncertainty and indicated that there was an understanding that the park improvements would be complete and ready for play on the infield shortly after the new year.

MOTION:

Council Member Land made a motion, Pennino second, to:

- approve a \$50,000 donation for Blakely Field improvements and program changes;
- direct staff to develop a policy regarding donations with conditions;
- direct the City Clerk's Office to review minutes pertaining to past Council action related to Peterson Park;
- encourage the competitive Under 14 baseball league team to come under the City's umbrella; and
- direct that costs related to additional maintenance of the improvements at Blakely Field be coordinated with the City Manager.

DISCUSSION:

Council Member Howard explained that she would be voting no because she preferred to have answers to questions that have been raised, as well as a policy developed for such circumstances, prior to making a decision. She acknowledged the generosity of the Foundation and hoped for its continued involvement and interest in the community.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Land, Pennino and Mayor Nakanishi

Noes: Council Members – Howard

Absent: Council Members – Hitchcock

- I-4 "Adopt resolution amending Traffic Resolution #97-148 approving the conversion from yield signs to stop signs on Orange Avenue at Locust Street"

Public Works Director Prima recommended that, for safety reasons, the yield signs at Orange Avenue and Locust Street be converted to stop signs.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Pennino, Howard second, adopted Resolution No. 2001-256 amending Section 2 of Traffic Resolution #97-148 by approving the conversion from yield signs to stop signs on Orange Avenue at Locust Street by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

- I-5 "Adopt resolution amending Traffic Resolution #97-148 approving multi-way stop controls at Oak Street and Sacramento Street"

Mayor Pro Tempore Pennino pointed out that this item is also being recommended for safety reasons.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Pennino, Land second, adopted Resolution No. 2001-257 amending Traffic Resolution #97-148 approving the installation of a multi-way stop control at the intersection of Oak Street and Sacramento Street by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

- I-6 "Approve use of City GrapeLine bus to transport attendees to the opening of COPIA, The American Center for Wine, Food and the Arts in Napa, and the Napa Opera House"

Community Center Director Lange reported that the City has been given 50 tickets to the opening of COPIA, a \$40 million facility developed by Robert Mondavi. She requested approval to use a City GrapeLine bus to transport representatives of the Council, Arts Commission, and Arts Foundation to the event.

In response to questions by Council Member Howard, Public Works Director Prima stated that there would still be an adequate number of buses if one is taken out of service to provide transportation to this event. The direct cost for running a GrapeLine bus is approximately \$15 to \$20 an hour.

In reply to Council Member Land, City Attorney Hays explained that the prohibition he referred to is found in the California State Constitution and deals with taking gratuities from private enterprise, of which the GrapeLine bus system does not apply.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Pennino, Land second, approved the use of a City of Lodi GrapeLine bus to transport members of the Lodi City Council, Lodi Arts Commission, and the Lodi Arts Foundation to the opening of the COPIA, The American Center for Wine, Food and the Arts in Napa, and the Napa Opera House by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

- E-9 "Adopt resolution rejecting lowest bid for Armory Park Bleacher Improvements, 333 N. Washington Street, and awarding the contract to the next lowest responsible bidder, Benton Fence and Drilling, of Galt (\$83,570)"

In response to Council Member Land, Parks and Recreation Director Baltz explained that the lowest bid was rejected because it did not include ramping, platforms, or guardrails.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Pennino second, adopted Resolution No. 2001-258 rejecting the lowest bid for Armory Park Bleacher Improvements, 333 N. Washington Street, and awarding bid to the next responsible bidder, Benton Fence and Drilling, of Galt, in the amount of \$83,570; and appropriated funds in accordance with staff recommendation by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

- E-18 "Authorize the City Manager to execute the agreement for Hazardous Materials Team within San Joaquin County"

Council Member Land asked whether there would be a cost associated with this agreement in the future.

Fire Chief Pretz explained that the San Joaquin County Office of Emergency Services has decided to no longer replace the equipment used by responding agencies to hazardous material incidents. This change has resulted in the development of a new agreement. The agreement allows a responding agency to bill costs of a hazardous materials incident to responsible parties or to agencies not signatories to this agreement. In addition, the agreement sets up a steering committee to develop common charge rates and conditions for response to non-signatory jurisdictions. The City is a member of the County Hazardous Materials team.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Howard second, approved the agreement with San Joaquin County for the Hazardous Materials Team and authorized the City Manager to execute the agreement on behalf of the City by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

- E-20 "Authorize funds from the Protocol Account and direct the City Clerk to coordinate the City Council reorganization reception at the December 5, 2001 Council Meeting (approx. \$3,300)"

Addressing the Mayor, Council Member Howard stated that she appreciated the fact that there are individuals or businesses that would like to make donations toward the Council reorganization reception; however, she believed that it would be more appropriate for the City to pay for the reception in its entirety. If cost is a consideration, other options could be discussed.

Mayor Nakanishi stated that events of this nature, which are funded from the Protocol Account, are determined by the Mayor and coordinated by the City Clerk's Office. He pointed out that the reception is also for the purpose of recognizing Community Service Award recipients. When he heard that cost considerations had been raised, he decided that the City's contribution to the event would remain under \$1,000, and private donations would be accepted to supplement this amount.

Council Member Howard stated that she would rather approve the \$3,300 expenditure from the Protocol Account, rather than sharing the cost with private parties.

Mayor Pro Tempore Pennino stated that it appears there is an overreaction to a negative newspaper article that was published. He had received calls from people who were opposed to the article and felt that the City is deserving of the reception as planned. He pointed out that this issue received more newspaper coverage than the recent sewer and water rate increases. He noted that \$20,000 is allocated each year for the Protocol Account, and the Mayor has discretion over events and associated expenses.

Mayor Nakanishi reiterated that he prefers to keep the City's cost under \$1,000, and accept a private donation of \$1,000.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Pennino, Land second, authorized the expenditure at the Mayor's discretion of up to \$3,300 from the Protocol Account, and directed the City Clerk to coordinate the City Council reorganization reception at the December 5, 2001 Council Meeting by the following vote:

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

J. ORDINANCES

J-1 Ordinance No. 1706 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Title 15 – Buildings And Construction, Chapter 15.64 – Development Impact Mitigation Fees By Repealing And Reenacting Section 15.64.040 – 'Payment Of Fees,' And Section 15.64.050 – 'Adoption Of Study, Capital Improvement Program And Fees' To The Lodi Municipal Code Relating To Development Impact Fees" having been introduced at a regular meeting of the Lodi City Council held October 17, 2001 was brought up for passage on motion of Mayor Pro Tempore Pennino, Howard 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 – Howard, Land, Pennino and Mayor Nakanishi  
Noes: Council Members – None  
Absent: Council Members – Hitchcock  
Abstain: Council Members – None

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

- Council Member Howard stated that she attended a three-day conference over the weekend at her own expense, which covered the topics of land use and the California Environmental Quality Act (CEQA). Speakers were from UC Davis and others throughout the state including Sonoma and Placer Counties.
- Council Member Land announced that Veterans' Day concerts will be held on November 10 at Spanos Concert Hall and on November 11 at Hutchins Street Square. Parks and Recreation's ninth annual Rolling in the Mud event will be held on November 17. Last month he received inquiries from a few citizens asking when bicycle racks would be installed in the downtown area.

City Manager Flynn stated that eight bollards are now available and can accommodate up to 30 bicycles. Two regular bike racks have also been ordered.

Council Member Land stated that he attended a Local Agency Formation Commission conference last week, at which the topics of orderly growth, boundaries, conserving agricultural land, open space, and public services were discussed. His attendance at this conference was the reason for his absence at the last Shirtsleeve Session. Addressing the City Manager, he asked for a report explaining the increase in Police and Fire Department overtime. He suggested that anyone who knows a veteran or someone currently serving in the military, should call and thank them on Veteran's Day for serving and giving us the freedoms that we have in our country today.

- Mayor Pro Tempore Pennino congratulated the owners of Wine and Roses for the recent improvements to their facility. He toured the hotel this evening after the ribbon cutting ceremony, and believed it to be a significant asset to the community.
- Council Member Howard added that the conference she mentioned earlier was for the California County Planning Commission Association, of which her husband was the president for the past year. The conference was his last official duty and responsibility. She recognized him for the excellent conference and noted that she attended not only to support him, but also to learn valuable and relevant information.
- Mayor Nakanishi asked on behalf of citizens, when the roadwork on Lower Sacramento Road would be completed.

Public Works Director Prima explained that there is one more layer of surface coating that will be done in the spring. The road will be open to four lanes and traffic signals properly set by this winter. Currently, the delay in completion is due to the landscaper who has not yet completed the south end.

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

- City Manager Flynn announced that the Chief Librarian's birthday is November 18. He reported that approximately two years ago police officers attended an event in Washington D.C. to recognize fallen officers. The cost was shared by the City and the officers. Firefighters have asked for the same consideration to attend a similar event associated with the September 11 terrorist attack. The event will take place later in the year, or possibly next year. Mr. Flynn stated that he has approved their request with the stipulation that the City's contribution will not exceed what was paid for the police officers to attend the event in Washington D.C.

Parks and Recreation Director Baltz corrected his earlier statement related to Item E-9, noting that the contractor has not yet been notified about the bid rejection. He indicated that he would make the notification tomorrow.

Public Works Director Prima thanked the City Manager and Council for their kind words about George Bradley during the award presentation.

Mr. Flynn commented that he feels fortunate to live in a country that has so much wealth, and a great deal to offer many people, not only in terms of material goods, but also in spiritual strength. He believed that people who cross the border illegally are driven by what they see as a better way of life and opportunities that they do not receive in their own country. He stated that it is unfortunate that we cannot do more to help people in other countries, so that we do not have the kind of problem that was discussed earlier this evening. He believed that Mexican American citizens in Lodi are outstanding citizens who have great family values and should be appreciated for everything they do for this community.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:05 p.m.

ATTEST:

Susan J. Blackston  
City Clerk