

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 20, 2000**

A. ROLL CALL

The Regular City Council meeting of September 20, 2000 was called to order by Mayor Mann at 7:03 p.m.

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

Absent: Council Members – None

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

B. INVOCATION

The invocation was given by Pastor Bruce Logue, Ham Lane Church of Christ.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1(a) Mayor Mann presented Certificates of Recognition to the following individuals for the painting of the mural on Pacific Gas & Electric's (PG&E) property located at 233 N. Cherokee Lane:

- Ernest Boutte and Larry Salinas with PG&E which owns the property where the wall is located and also paid for half of the costs for materials for this project.
- Suzanne Kennedy and Kathy Price who oversaw the project and guided the artists during the process.
- Jessica Provience, Melody Price, Ashby Utting, Sayra Salas, Ingrid Imhof and Kelsey Cardoni, the artists who painted this beautiful work of art which celebrates the history and cultural heritage of Lodi.

Community Improvement Manager Wood noted that the mural project would not have been possible without assistance and financial support from the Human Services Agency of San Joaquin County, and the Boys and Girls Club of Lodi. He added that Management Analyst Hamilton was also instrumental with this project.

On behalf of PG&E, Carrie Madill thanked the Council for the Certificate of Recognition.

Kathy Price, who oversaw the project, stated that the participants are very proud of what they accomplished and thanked the Council for their support.

Management Analyst Hamilton introduced Suzanne Kennedy and Kelsey Cardoni. She gave credit to the City Manager for coming up with the idea for the mural.

Suzanne Kennedy thanked Janet Hamilton and the City Manager for their foresight and involvement of youth in this project.

D-2(a) Mayor Mann presented a proclamation to Winona Ellwein with Green Thumb, Inc., proclaiming the week of September 24 – 30, 2000 as "Employ The Older Worker Week" in the City of Lodi.

Winona Ellwein stated that the Lodi Worknet office has a special program for individuals 55 years and older. Employment has been found for every person that has entered the program. Ms. Ellwein invited interested persons in this age group to contact her at Green Thumb, Inc.

- D-2(b) Mayor Mann presented a proclamation to Electric Utility Director Vallow proclaiming the week of October 1 – 7, 2000 as “Public Power Week” in the City of Lodi.

Electric Utility Director Vallow introduced Senior Electric Utility Rate Analyst Sondra Huff, who reported that this is the fifth year Electric Utility has celebrated Public Power Week, and it is the 90th anniversary of Lodi Electric Utility. Over 350 elementary students will tour their facility on October 4.

- D-3(a) Ashkon Shaahinfar with the Greater Lodi Area Youth Commission presented the award for Teen of the Month to Erica Yoon from Lodi High School.

COMMENTS BY THE PUBLIC ON CONSENT CALENDAR ITEMS

- a) Bob Johnson, 1311 Midvale Road, Lodi, spoke in regard to item E-14 and asked that Mr. Vallow make a presentation on this item for the benefit of those who have not read the staff report. He suggested that purchasing power on the public market now, for resale at a future price, could be interpreted as a commodity hedge account.

Electric Utility Director Vallow reported that at the executive summary level, the Electric Utility Department sold about 8.7% more electricity last year than had been budgeted. He attributed this to a booming economy with businesses adding shifts and expanding product lines. Additional fuel cost, and operations and maintenance on the additional energy was \$1.67 million -- revenues against that on the retail side were approximately \$2 million. Sales made on a daily basis are on the real time market with known reserves or surpluses.

City Manager Flynn clarified that because there was a greater demand for electricity, the City had to buy more power.

Mr. Vallow added that Lodi is a member of the Risk Oversight Committee. It was Lodi's recommendation that there would be no transactions of a speculative, hedging nature through the Northern California Power Agency (NCPA) power pool without express authorization from the City Council. Electric Utility has not requested that authorization.

In response to Mayor Pro Tempore Nakanishi, Mr. Vallow reported that Lodi generates 100% of its own power. He explained that the most expensive units cost 7 to 8 cents a kilowatt-hour to generate power. Yesterday the market was at 25 cents a kilowatt-hour, and the Electric Utility Department was able to sell surplus to the market.

In reply to Council Member Hitchcock, Mr. Vallow stated that according to the strategic master plan, it was believed that electric rates in Lodi could remain frozen through 2005-2006. He anticipated the next general rate increase to occur around 2010. Mr. Vallow reported that Lodi has a 30% cost advantage over the market. Lodi's energy peak for the year occurred in June; it typically occurs in August. Mr. Vallow stated that each month he has seen industrial load growth increasing. In summary, Mr. Vallow explained that the amount budgeted was \$1.671 million dollars less than the invoices received and paid to NCPA.

City Manager Flynn reiterated that the item under consideration is for the purchase of power that was used, not for future speculation.

E. CONSENT CALENDAR

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

- E-1 Claims were approved in the amount of \$11,808,814.11.
- E-2 The minutes of August 8, 2000 (Special Meeting), August 15, 2000 (Shirtsleeve Session), August 16, 2000 (Regular Meeting), August 22, 2000 (Shirtsleeve Session), August 24, 2000 (Special Meeting), August 29, 2000 (Shirtsleeve Session), and August 29, 2000 (Special Meeting) were approved as written.
- E-3 Approved the specifications for White Slough Water Pollution Control Facility Adjustable Frequency Drive Replacements and authorized advertising for bids.
- E-4 Approved the plans and specifications for Municipal Service Center (MSC) Re-roofs and authorized advertising for bids.
- E-5 Approved the specifications for Legion Park and Lawrence Park Tree Trimming, 2000, and authorized advertising for bids.
- E-6 Approved the specifications for one multi-angle camera and one self-propelled transporter for the Water/Wastewater Division and authorized advertising for bids.
- E-7 Adopted Resolution No. 2000-159 authorizing the City of Lodi to participate in a nationwide purchasing program sponsored by US Communities Government Purchasing Alliance.
- E-8 Adopted Resolution No. 2000-160 authorizing City department to purchase desktop and notebook computers, as budgeted for the fiscal years 1999-2001, in aggregate amounts of \$15,000 or less, from either Micron Electronics, Inc. or Dell Computers, under competitively-bid contracts awarded to each by Fairfax County, Virginia, through sponsorship by the US Communities Government Purchasing Alliance.
- E-9 Adopted Resolution No. 2000-161 authorizing the Purchasing Officer to purchase eleven desktop computers, for the Administration and Engineering divisions of the Public Works Department, from Micron Electronics, Inc., of Nampa, Idaho, in the amount of \$17,155.
- E-10 Adopted Resolution No. 2000-162 authorizing City staff to participate in the contract agreement arranged by Alameda County with Kruger International furniture manufacturer for the purchase of computer stations for the Library's public computer lab.
- E-11 Adopted Resolution No. 2000-163 awarding the contract for testing and inspection services for Lodi Station Parking Structure and Lower Sacramento Road Widening Projects to Krazan & Associates, Inc., of Sacramento, in the amount of \$89,915; and appropriated funds in accordance with staff recommendation.
- E-12 "Award contract for Loel Senior Center Bus Shelter and Street Improvements at Corner of Oak and Washington Streets to Diede Construction (\$122,85)" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-13 Adopted Resolution No. 2000-164 awarding the contract for Lane Line Painting, Various City Streets, 2000, to Safety Striping Service, Inc., of Visalia, in the amount of \$52,629.31; and appropriated an additional \$28,000 for the project.
- E-14 Adopted Resolution No. 2000-165 approving the Special Allocation in the amount of \$1,671,088 for the purchase of additional power to meet customer needs.

- E-15 Adopted Resolution No. 2000-166 approving a Public Benefits Program grant in the amount of \$10,993.97 to the 1371 East Pine Street Building/Metal Building Development Company, as part of a demand-side management project.
- E-16 Adopted Resolution No. 2000-167 approving a Public Benefits Program allocation of \$15,000 (not to exceed figure) for the lease of one Epic electric van for the City of Lodi Electric Vehicle Customer Demonstration Pilot Project.
- E-17 Adopted Resolution No. 2000-168 amending the City of Lodi Residential Appliance Rebate 2000 Program, to include Wal-Mart, located at 2350 W. Kettleman Lane, as one of the participating local stores.
- E-18 Authorized the City Manager to execute a contract with Brown & Caldwell to update Lodi's Urban Water Management Plan and appropriated \$25,000 for the project.
- E-19 Approved submission of the proposed Supplemental Environmental Project in response to Regional Water Quality Control Board Administrative Civil Liability Complaint No. 5-00-515; and appropriated \$26,000 for the project.
- E-20 Adopted Resolution No. 2000-169 approving the installation of a multi-way stop control at the intersection of Stockton Street and Harney Lane, which will be removed when a traffic signal is constructed.
- E-21 "Downtown Lodi Business Partnership (LDBP) General Budget and Special Projects funding request for Fiscal Year 2000/01 (\$61,000)" **was removed from the Consent Calendar and discussed and acted upon under the Regular Calendar as item H-3.**
- E-22 Adopted Resolution No. 2000-170 authorizing the reallocation of \$60,880 of our 2000-01 HOME funds from the Housing Rehabilitation Program to the Down Payment Assistance Program.
- E-23 Adopted Resolution of Intention No. 2000-171 to abandon the public utility easement along the south ten feet of Lots 90, 97, 98, 99, and 100 of the Sunwest, Unit No. 12 subdivision; referred the matter to the Planning Commission for approval; and set a public hearing for the regular Council meeting of October 18, 2000.
- E-24 Set Public Hearing for October 4, 2000 to consider adult oriented business regulatory ordinance.

ACTION ON ITEM REMOVED FROM THE CONSENT CALENDAR

- E-12 "Award contract for Loel Senior Center Bus Shelter and Street Improvements at Corner of Oak and Washington Streets to Diede Construction (\$122,850)"

Public Works Director Prima reported that \$50,000 (out of the total \$122,850) is for rebuilding a half block of curb, gutters, sidewalks, and parkway strip landscaping. The bus shelter is an "Art in Public Places" project and will have a custom roof. He explained that an artist conducted a public art project, which involved children making tiles. The tiles will be placed in the seating area and supports for the roof. Mr. Prima commented that this is a demonstration of how art can be incorporated into a public project to enhance an area.

In response to Council Member Land, Mr. Prima explained that the palm trees are being removed due to their poor condition. Complaints about the palm trees have been received from Loel Center. He noted that they would be replaced with at least five cedar trees.

MOTION:

The City Council, on motion of Council Member Pennino, Land second, unanimously adopted Resolution No. 2000-172 awarding the contract for Loel Senior Center Bus Shelter and Street Improvements at the Corner of Oak and Washington Streets to Diede Construction, of Woodbridge, in the amount of \$122,852; and appropriated funds in accordance with staff recommendation.

F. PUBLIC HEARINGS

- F-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the Public Hearing to consider the Planning Commission's recommendation of approval to the City Council for a General Plan Amendment from LDR, Low Density Residential to NCC, Neighborhood Community Commercial; Rezone from C-S, Commercial Shopping and R-1, Single Family Residential to PD, Planned Development; and Certification of Negative Declaration ND-00-05 as adequate environmental documentation on behalf of Kristmont West, Inc. for property located at 333 S. Lower Sacramento Road.

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

Community Development Director Bartlam reported that the proposal is for a three-acre mini-storage facility at the back of the Raley's shopping center. The property currently has three separate general plan designations. The bulk of the property is designated Neighborhood Community Commercial. The shopping center has a Community Shopping Center designation. Low Density Residential is designated on property to the south, adjacent to the future street. The property in the back of Raley's is designated Single Family Residential. This property is not of significant size and would be difficult to build with single-family homes.

In conclusion, Mr. Bartlam stated that the proposal would be a good transition use of the property. The back of shopping centers are routinely problematic. A mini-storage would be an innocuous use, as they are quiet, produce little traffic, and would serve as a buffer to future residential development further to the west. Mr. Bartlam reported that the Planning Commission took an associated action at their Public Hearing to divide the property, creating developable lots -- one for the mini-storage, a second for the shopping center, and a third for what will become Farmers and Merchants bank property.

In response to Council Member Hitchcock, Mr. Bartlam stated that the mini-storage would be set back from the street and have a decorative masonry wall.

Mayor Mann commented that it has been quite some time since the General Plan has been reviewed and updated. He asked if, in light of the growth of the City, review of the General Plan would now be in order.

Mr. Bartlam recalled that the General Plan was last updated in 1991. Lodi has grown by only half of the 2% percent anticipated in the Plan. Mr. Bartlam reported that the housing element will be updated during the next budget cycle and felt that this would be an opportune time to consider location of future residential development.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION:

The City Council, on motion of Council Member Pennino, Hitchcock second, took the following actions:

- Introduced Ordinance No. 1695 entitled, "An Ordinance Of The Lodi City Council Amending The Official District Map Of The City Of Lodi And Thereby Rezoning 333 S. Lower Sacramento Road (APN 027-040-04) From C-S, Commercial Shopping And R-1, Single-Family Residential To PD, Planned Development"; and
- Adopted Resolution No. 2000-173 entitled, "A Resolution Of The Lodi City Council Amending The Land Use Element Of The Lodi General Plan By Redesignating The Northernmost 2.12 Acres Located At 333 S. Lower Sacramento Road From LDR, Low Density Residential To NCC, Neighborhood Community Commercial".

The motion carried by the following vote:

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

G. COMMUNICATIONS (CITY CLERK)

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

- a) Tony Anderson, date of loss 8/600
- b) Kathleen Freeman, date of loss 8/10/00
- c) James Hemsworth, date of loss 8/10/00
- d) Clifton Olson, date of loss 8/10/00
- e) Valeri Parrish, date of loss 8/10/00
- f) Theodore Payne, date of loss 7/3/00
- g) Gil Quinones, date of loss 8/10/00
- h) Francis Storm III, date of loss 8/10/00

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

- a) Kamyar Reza, Perko's Café, 1170 S. Cherokee Lane, Lodi, On-Sale Beer and Wine, Original License

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

- a) Planning Commission report of August 23, 2000

G-4 The following appointments/postings were made:

- a) The City Council, on motion of Council Member Hitchcock, Pennino second, unanimously directed the City Clerk to post for the following vacancy:

Lodi Senior Citizens Commission

Shannon Bettencourt Term to expire December 31, 2001

H. REGULAR CALENDAR

H-1 "Discussion and recommendations on results of Traffic Study for area bounded by Stockton Street to Garfield Street and Walnut Street to Locust Street"

Public Works Director Prima reported that due to accidents, it is recommended to convert the intersection of Elm and Stockton to a four-way stop. Improvements in lighting and signage are needed at Pine and Stockton Streets. He suggested modifying the following intersections to include a bow-out type of design to give pedestrians a short crossing distance and better visibility: 1) Washington and Pine; 2) Washington and Elm; and 3) Pine and Central. Mr. Prima reported that the costs of the bow-outs would be \$25,000 per intersection.

In response to Council Member Hitchcock's suggestion for a traffic signal at Stockton and Pine Streets, Mr. Prima felt that the low traffic volume would not warrant a signal at this time. He added that a large number of pedestrians jay walk in that area.

PUBLIC COMMENTS:

- a) Virginia Lahr, 311 E. Elm Street, Lodi, asked what plan is in effect to safeguard children at the new Charter school. Ms. Lahr commented that she has witnessed cars traveling 50 mph on Stockton Street. She felt that a stop sign is needed at Elm and Washington Streets. She questioned why a stop sign has been placed in the alley between Pleasant and Lee Avenues, and emphasized that more safety considerations should be given to children traveling to Hale Park.

In reference to the new Charter school, Council Member Pennino noted that the Lodi Unified School District (LUSD) is responsible for providing crosswalk guards where appropriate. He urged Ms. Lahr to contact the School Board regarding her concerns.

Council Member Land asked why a stop sign cannot be placed at Washington and Elm Streets. He pointed out that this intersection has the same number of accidents as Elm and Stockton. Mr. Land also stated that he is not an advocate of removing crosswalks.

Mr. Prima responded that placement of stop signs is at the discretion of Council; however, he did not recommend placing a stop sign at Washington and Elm Streets. He reported that LUSD is planning on having an adult crossing guard at Pine Street and Central Avenue. The school is not yet fully operational and presently the number of children crossing Pine Street is minimal.

Responding to Ms. Lahr's comments, Council Member Land questioned why a stop sign was placed in the alley between Pleasant and Lee Avenues. Mr. Prima stated he would look into it and report back.

In reference to removing crosswalks, Mr. Prima explained that when crosswalks are placed on all four legs of an intersection it gives the impression of a four-way stop and this has been a contributing factor in accidents.

Council Members Land, Pennino, and Nakanishi voiced their support for a stop sign on Washington and Elm Streets.

- b) Otto Krueger, 632 N. Church Street, Lodi, commented that he witnessed a blind man with a seeing-eye dog get off a bus and cross Church Street on the wrong side of an intersection where there were no white lines painted. He noted that a seeing-eye dog cannot tell whether there are white lines at an intersection or not.

Mayor Mann reported that at a recent Council meeting held at Salem Church, many individuals expressed safety concerns about the intersection of Pine and Central. He felt that strong consideration of traffic control should be directed to the areas of Hale Park and the new school. He opposed the bow-outs as recommended by the Public Works Department.

Council Members Hitchcock and Pennino expressed support for the bow-outs at Central and Pine.

MOTION:

The City Council, on motion of Mayor Mann, Land second, adopted Resolution No. 2000-175 amending Traffic Resolution No. 97-148 by approving the installation of a multi-way stop control at the intersections of Washington and Elm Streets, Pine Street and Central Avenue, and Elm and Stockton Streets, all without the construction of bow-outs. The motion carried by the following vote:

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

H-2 "Creation of Animal Shelter Task Force"

Deputy City Manager Keeter described the need for an Animal Shelter Task Force to evaluate possible alternatives for the Lodi Animal Shelter. She recognized members of the audience who were present to support the creation of a Task Force. Issues of overcrowding, lack of quarantine areas, storage, ventilation, drainage system, office hours and staffing need to be addressed. Ms. Keeter noted that Animal Friends Connection sent a letter to the City requesting that a Task Force be created to look at short- and long-term solutions for these issues. Long-term solutions would be related to building a new Animal Shelter. It is recommended that the Task Force consist of Animal Friends Connection members, citizens at large, Lodi Animal Shelter volunteers, City staff, and representation from the local veterinarian group. Ms. Keeter noted that the Task Force would also consider the regional study, currently being conducted countywide, with particular emphasis on looking at the north County needs for San Joaquin County.

PUBLIC COMMENTS:

- a) Patricia Sherman introduced herself as the President of Lodi Animal Friends Connection. She stated that her organization is very active with animal adoption events and they often take Shelter animals to the events. She emphasized the urgent need of isolation areas for puppies and kittens, adequate plumbing, and a larger Animal Shelter.

Mayor Pro Tempore Nakanishi expressed support of the Task Force and encouraged citizens to adopt pets from the Animal Shelter.

Council Member Land noted his support for the work of the Animal Shelter and Animal Friends Connection. He expressed hope that Richard Turner, DVM, would join the Task Force.

- b) Carrie Anderson introduced herself as the Secretary for Animal Friends Connection. She pointed out that the Maddies Fund \$500,000 five-year grant that Animal Friends Connection was awarded, is only applicable for spay/neuter costs and adoptions above and beyond what they had been doing prior to the grant.

Ms. Keeter noted that the Maddies Fund grant is strictly for the Animal Friends Connection program and cannot be used for capital improvements to the Shelter.

- c) Richard Turner spoke on behalf of all veterinarians in the community and expressed support of the Task Force and the need for a new Animal Shelter. He encouraged the Council to visit the present facility. He commended the Animal Shelter staff for their patience, compassion, and dedication.

- d) Sue Pixler urged citizens to adopt pets from the Shelter and emphasized the importance of spaying/neutering. She noted that in the staff report, there is discussion about the Animal Shelter setting up a Web site. She expressed the need for additional staff to update the Web site daily as well as to work in the office of the Shelter. As an interim measure, some of the animals at the Shelter are advertised for adoption at the Internet Web site of lodianimalshelter.petfinder.com. Ms. Pixler reported that 1,400 animals are euthanized at the Lodi Animal Shelter every year. She urged the Council to support the Task Force in working toward Shelter improvements and eventually building a new Animal Shelter.

- e) Terri Arbuckle, Animal Control Officer, provided the following statistics: In 1999, 2,215 animals were taken to the Shelter and 1,455 were euthanized; 526 dogs and 286 cats were redeemed or adopted. In August 2000, 133 cats came into the Shelter, though they have room for only 28. Ms. Arbuckle stated that if there were adequate staff to keep the Shelter open during normal business hours it would increase the number of adoptions. She reported that every kitten and puppy that the Shelter has had spayed/neutered has been adopted.

- f) Nickie Kalthof felt that the large number of euthanasias are appalling. She strongly urged the Council to take an active position in making the public aware of this problem and to authorize funds to resolve it.

Mayor Mann stated that he was in support of staff looking at the feasibility of keeping the Shelter open during regular business hours.

Ms. Keeter responded that Lt. David Main and Police Chief Adams are considering, at a minimum, hiring a part-time addition to the Animal Shelter staff.

MOTION:

The City Council, on motion of Council Member Land, Hitchcock second, unanimously voted to create an Animal Shelter Task Force responsible for providing short- and long-term recommendations regarding the City of Lodi Animal Shelter.

- H-3 "Downtown Lodi Business Partnership (DLBP) General Budget and Special Projects funding request for Fiscal 2000/01 (\$61,000)" *formerly E-21*

Economic Development Coordinator Goehring explained that \$35,000 is the annual Downtown Lodi Business Partnership (DLBP) budgeted amount, and \$26,000 is an additional request needed to fund special marketing projects, banners to mark the downtown area, and tree lights.

Council Member Hitchcock expressed concern that the City continues to fund a special events staff person for DLBP.

City Manager Flynn recommended that Cynthia Haynes be retained, as he feels she is doing an excellent job in terms of community promotions.

Mr. Goehring reported that when the Business Improvement Area (BIA) was formed in 1997, the Council agreed to provide a matching fund to the assessments being collected by the organization. He noted that the Council will receive an informational packet on October 4, and in November the BIA will come back with their annual report.

Lew Van Buskirk, Executive Director of the DLBP, 77 W. Peltier Road, Acampo, reported that the City and property owners' investment of \$4.5 million in new streets and sidewalks has yielded an increase in sales tax revenue. The downtown has increased total sales tax revenue from 4% to 6.1%. Mr. Van Buskirk noted that a peak-performing downtown would yield about 8%. In just over one year, the DLBP has established an office, taken over the assessment billings for the district, established a joint economic task force committee with the City's Economic Development Coordinator, and advised downtown businesses on various issues.

Mr. Van Buskirk explained that the total funding request of \$61,000 includes three special projects and is less than 45% of the projected operating 2000-2001 budgeted income. The base-funding request of \$35,000 represents 28% of the projected income. In addition to paying assessments, many of the downtown businesses are contributing their time and money to the success of the DLBP. Peter Westbrook, President of Firstpage.com, is creating a Web page for the DLBP and each individual business. Michelle Perry of Creative Services has donated thousands of dollars to the DLBP advertising and promotional program.

Council Member Pennino concurred with Ms. Hitchcock's earlier comment regarding the funding of a staff person associated with the DLBP, and expressed strong opposition to it. He noted his support of the \$35,000 funding amount, and for the lights and banners. He stated that he would like speakers on the tops of the buildings so that music could be played on the street.

In response to Council Member Pennino, Mr. Van Buskirk explained that the amount of \$45,000 is in error, the correct figure is \$43,500. He confirmed that \$5,600 is for staffing and the balance of \$2,900 is for advertising.

In reply to Mayor Pro Tempore Nakanishi, Mr. Van Buskirk commented that there are no downtown revitalization programs that do not require city funding. He stated that the DLBP will request support from the City each year. As additional programs are developed, increased funding from the City may be needed.

City Manager Flynn reported that \$35,000 was budgeted, and recommended that the remainder come from the Contingency Fund.

Mayor Pro Tempore Nakanishi expressed support for the DLBP funding request, noting that it is an investment in the community.

Council Member Land summarized the funding request as follows: \$35,000 is for City funding; \$8,500 is for the special marketing program to be used during the construction phase of the new theater and parking structure; and \$17,500 is for banners and lights for the downtown area. He urged Mr. Van Buskirk to bring the Tokay Players to the downtown area and to look into having a portable ice skating rink in downtown Lodi during the holiday season.

Mayor Mann stated that it is in the best interest of the City to ensure the downtown core regains its vibrancy and maintains it. He concurred with earlier Council comments against funding staff for the DLBP.

Mr. Van Buskirk responded that enough money is derived from assessments and other activities to cover their staffing needs. He stated that \$8,500 will be used to develop the ongoing marketing program, specifically during the construction period.

Council Member Pennino pointed out that the budget submitted to the Council does not include the current funding request. He asked that it be updated and submitted to Council after the DLBP board approves it.

MOTION:

The City Council, on motion of Mayor Mann, Land second, unanimously adopted Resolution No. 2000-174 approving the Downtown Lodi Business Partnership (DLBP) General Budget and Special Projects funding request of \$61,000 for the 2000-2001 fiscal year.

City Manager Flynn spoke in support of Cynthia Haynes and noted that five to six years ago her job was to serve as the liaison between Deide Construction, the downtown merchants, and the City. Her job then evolved into assisting the DLBP. Since that time, her responsibilities now include involvement with United Way; liaison to the DLBP, Chamber of Commerce, and Visitors Center; assistance to Mr. Goehring with economic attraction to the downtown; and liaison or chair of many special events such as the Parade of Lights, Hospice Tree of Lights, Beer Fest, the Community Day of Caring, and the New Year's event. Mr. Flynn detailed the activities Ms. Haynes was involved in during the past month and outlined the many committees on which she serves.

Council Member Pennino asked whether approval for the downtown tree lights has been obtained from the Public Works Department.

Mr. Prima responded that he is in full support of placing lights in the trees; however, coordination between the DLBP and Public Works is necessary to ensure that no damage to the trees occurs when the lights are installed or removed.

I. ORDINANCES

I-1 Ordinance No. 1692 entitled, "An Ordinance Of The Lodi City Council Amending The Official District Map Of The City Of Lodi And Thereby Rezoning 109 North Mills Avenue (APN 029-400-01) From P, Public To R-1, Single-Family Residential (First Baptist Church Of Lodi And The Lodi Unified School District)" having been introduced at a regular meeting of the Lodi City Council held August 16, 2000 was brought up for passage on motion of Council Member Land, Hitchcock 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, Land, Nakanishi and Pennino
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Mayor Mann

I-2 Ordinance No. 1693 entitled, "An Ordinance Of The Lodi City Council Amending Chapter 13.20 Electrical Service By Amending Sections 13.20.200, 13.20.210, 13.20.240 And 13.20.250, And Adding Section 13.20.202 Residential All Electric" having been introduced at a regular meeting of the Lodi City Council held August 16, 2000 was brought up for passage on motion of Council Member Land, Nakanishi 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, Land, Nakanishi and Mayor Mann
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Pennino

I-3 Ordinance No. 1694 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Chapter 15.04 Of The Lodi Municipal Code By Repealing And Reenacting Section 15.04.055, Relating To Special Inspections – Downtown Business District" having been introduced at a regular meeting of the Lodi City Council held August 16, 2000 was brought up for passage on motion of Council Member Pennino, Nakanishi 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, Land, Nakanishi, Pennino and Mayor Mann
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – None

J. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Otto Kruger, 632 N. Church Street, Lodi, suggested placing an insert regarding animal regulations in the City utility bills in both English and Spanish.

In response, City Manager Flynn commented that it was an excellent idea and he would look into it.

- Victor Schuh, 900 S. Pleasant Avenue, Lodi, reported that the Lodi City Swim Club is not being allowed to use the LUSD pools due to the water polo programs. He stated that recently the Swim Club had 100 swimmers trying to use Blakely pool, the only public pool in Lodi. In conclusion, Mr. Schuh stated that aquatic programs are growing tremendously, and there is a great need for facilities.
- Ken Bingaman, 306 Bella Vista Drive, Lodi, spoke in support of the Lodi City Swim Club. He noted that his daughter swims at a national level and he attributes her success to the community of Lodi and individuals involved in the Lodi City Swim Club. He asked that LUSD make the Tokay High School pool available to the Lodi City Swim Club.

Continued September 20, 2000

- Troy Scheideman, 117 N. Hutchins Street, Lodi, commented that the Lodi City Swim Club was established in 1967. He stated that the Swim Club needs their own facility, and suggested that an aquatic center with a 50-meter pool be built.
- Barbara Krengel, 915 W. Locust, Lodi, stated that not only does the Swim Club need a good swimming facility, but so do all the children of Lodi. Ms. Krengel commented that she would like to see the Swim Club connect with the Boys and Girls Club to bring less-advantaged children into swimming.

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

- Council Member Land stated that he worked for four years on the LUSD/City of Lodi 2 x 2 Committee and had thought there was a spirit of cooperation. He expressed disappointment that the Swim Club is not being allowed to use the Tokay High School pool. He felt that due to the population of the City, consideration of another pool facility would be appropriate at this time and he supported moving forward.

Mayor Mann asked for concurrence to create an Ad Hoc Committee composed of five to seven individuals to look into the feasibility of building a 50-meter public pool, and return to Council with recommendations.

Council Member Hitchcock voiced concern that the standard process is not being followed. She felt that it should be considered in the context of the budget, and prioritized with other projects. Ms. Hitchcock added that input from Parks and Recreation should be considered as well.

Mayor Mann clarified that should the project move forward, the customary processes (i.e. budget considerations, public meetings, etc.) would be followed.

Council Member Pennino emphasized his frustration with the lack of communication by LUSD to management personnel of the Tokay High School pool. He pointed out that the taxpayers paid for the Tokay pool and should be allowed access. He concurred that Lodi needs another 50-meter pool and noted that Roseville and Crystal, Minnesota have good examples of aquatic centers.

Deputy City Manager Keeter reported that she has had numerous discussions with Mamie Starr, LUSD Assistant Superintendent, Facilities & Planning, whom she pointed out was present at tonight's meeting. Ms. Starr has met with her staff and the District Superintendent to apprise them of this situation. As a result of their meeting, the Athletic Director of Bear Creek High School will be contacting a representative from the Lodi City Swim Club to arrange for a use agreement whereby the Swim Club will be able to share the pool with Bear Creek during water polo season.

Council Member Pennino reminded the City Manager that he would like City employees surveyed on various subjects via a confidential computer survey.

City Manager Flynn responded that he is currently in the process of reviewing the surveys.

In response to Council Member Hitchcock, Ms. Keeter reported that Tokay and Lodi High School pools may be closed at District discretion following the schools last use (usually in November) for winter maintenance on a rotating basis. The City had agreed to have a running accounting of costs incurred by LUSD and the City, but not an actual exchange of funds until such time as a cap of \$150,000 was reached. The City would then look at the incremental difference of what it would cost to keep the pools open during the winter and sharing the expense.

Mayor Pro Tempore Nakanishi expressed support for a new swimming pool.

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Council Member Land suggested that members of the Swim Club express their concerns at a School Board meeting.

City Manager Flynn indicated that the School Board has been very cooperative with the City and noted that LUSD has a new Superintendent.

- City Manager Flynn announced the following birthdays: Charlene Lange, September 29; Vicky McAthie, September 30; Susan Hitchcock, October 3; and Keith Land, October 13.
- Council Member Hitchcock announced that today is the celebration of National Undoing of Racism Day sponsored by National League of Cities. The Council has signed a proclamation of participation.
- Council Member Land stated that the first fundraiser for Lodi House, a homeless shelter for women and children, will be held on October 8, from 3:00 to 6:00 p.m. at the Jessie's Grove Winery.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

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

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

- Public Works Director Prima commented that there will be road construction occurring on Beckman Road, which will affect traffic on Victor Road and Kettleman Lane.

Council Member Pennino asked that the businesses and residents in the area be notified about the construction work.

L. CLOSED SESSION

Mayor Mann adjourned the City Council meeting at 11:10 p.m. to a Closed Session to discuss the following matter:

- L-1 Prospective acquisition of real property located at 217 E. Lockeford Street, Lodi, California, APN #041-220-01; the negotiating parties are City of Lodi and John H. Crabtree et al.; Government Code §54956.8

M. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at 11:23 p.m., and it was disclosed that the City Council, on motion of Council Member Land, Nakanishi second, unanimously authorized staff to proceed with the acquisition of the real property located at 217 E. Lockeford Street.

N. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:24 p.m.

ATTEST:

Susan J. Blackston
City Clerk