

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 6, 2002**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of February 6, 2002 was called to order by Mayor Pennino at 6:06 p.m.

Present: Council Members – Hitchcock (arrived at 6:10 p.m.), Howard, Land, Nakanishi (arrived at 6:12 p.m.), and Mayor Pennino

Absent: Council Members – None

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 East Locust Street, Lodi, CA (APN 043-082-02) and 17 East Elm Street, Lodi, CA (APN 043-082-01); the negotiating parties are City of Lodi and Weber, Herman & I TRS.; Government Code §54956.8 (PR)
- b) Prospective acquisition of real property located at 21 East 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 (PR)
- c) Prospective acquisition of real property located at 103 East Elm Street, Lodi, CA (APN 043-084-06); the negotiating parties are City of Lodi and Kenneth and Karen Paige; Government Code §54956.8 (PR)

C-3 ADJOURN TO CLOSED SESSION

At 6:06 p.m., Mayor Pennino adjourned the meeting to a closed session to discuss the above matters.

The closed session adjourned at 6:25 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:00 p.m., Mayor Pennino reconvened the City Council meeting, and City Attorney Hays disclosed the following actions.

In regard to Item C-2 (a), a report was presented to the Council regarding the environmental assessment of the Weber property.

In regard to Item C-2 (b), direction was given to staff with regard to opening negotiations with the owner of the real property located at 21 East Elm Street, leading to acquisition.

In regard to Item C-2 (c), direction was given to staff with regard to opening negotiations with the owner of the real property located at 103 East Elm Street, leading to acquisition

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of February 6, 2002 was called to order by Mayor Pennino at 7:00 p.m.

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

Absent: Council Members – None

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

B. INVOCATION

The invocation was given by Pastor Marianne Vick, Heartland Community Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scout Troop 295.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Pennino presented a proclamation to Fire Chief Michael Pretz proclaiming February 17 – 23, 2002 as “Please Abide, Move Aside Week” in the City of Lodi.

D-3 (b) Mayor Pennino presented a Certificate of Recognition to Ken Sasaki for his service as the 2001 Parks and Recreation Commission Chairman.

D-3 (a) Sherri Smith, member of the Arts Commission, updated the City Council on the many activities and accomplishments of the Lodi Arts Commission.

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 \$10,420,202.21.

E-2 The minutes of December 19, 2001 (Regular Meeting), January 9, 2002 (Special Meeting), January 12, 2002 (Special Joint Meeting), and January 16, 2002 (Regular Meeting) were approved as written **and** the minutes of January 22, 2002 (Shirtsleeve Session) were approved as amended. Further, the approval of the minutes of January 2, 2002 (Regular Meeting) was tabled for further information.

E-3 Accepted the Quarterly Investment Account report as required by law SB564.

E-4 Approved the specifications for seventy-five post-top (globe) luminaires and authorized advertisement for bids.

E-5 Adopted Resolution No. 2002-20 authorizing the purchase of an independent pool-lift for the Hutchins Street Square Pool from Morris Independent Lift!, of Bay City, Michigan, in the amount of \$12,000, and appropriated funds for the project.

E-6 Adopted Resolution No. 2002-21 authorizing the sole-source purchase of 400 new chairs from Mity-Lite, Inc., of Orem, Utah, in the amount of \$20,000, for use in Kirst Hall at Hutchins Street Square.

E-7 Adopted Resolution No. 2002-22 awarding the bid for the replacement purchase of an engineering copier to the low bidder, Stockton Blue, of Stockton, CA, in the amount of \$8,514.94, for the Xerox 3030 engineering copier and appropriated funds for this purchase.

E-8 Approved Contract Change Orders No. 10 through 16 and accepted improvements under contract for Elm Street Improvements, Church Street to Sacramento Street.

E-9 Adopted Resolution No. 2002-23 approving the addendum to the contract for Utility Substructures, Cherokee Lane and Sunwest Area, and appropriated \$18,750 for this addendum.

E-10 “Adopt resolution authorizing the City Manager to execute a professional consulting services contract with Stantec Consulting, Inc., for design of DeBenedetti Park (G-Basin) and appropriate \$545,000 for the project” was **removed from the Consent Calendar and discussed and acted upon under the Regular Calendar**.

- E-11 "Adopt resolution authorizing the City Manager to execute a professional consulting services contract with ELS Architecture and Urban Design for design and construction administration of an Aquatics Facility and appropriate \$269,075 for the project" was **removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.**
- E-12 "Authorize City Manager to execute a professional services agreement with George Miers & Associates for Space, Needs, Master Planning, and Schematic Design of a new Animal Services Facility; execute Contract Change Orders; and appropriate \$80,000 for the project" was **removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.**
- E-13 Set public hearing for March 6, 2002 to consider and approve community input and proposals for uses of the City's 2002/03 Federal allocation of Community Development Block Grant (CDBG) and HOME funds and reallocation of CDBG funds from previous program years.
- E-14 Adopted Resolution No. 2002-24 supporting continued enhanced school public safety programs of the Lodi Police Department.
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F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Georgianna Reichelt mentioned that she belonged to several environmental and tax groups and noted that one of their major concerns is ensuring that Proposition 218 is followed. She believed that Lodi had increased its Transient Occupancy Tax (TOT) after 1999 and, therefore, should have placed it on the ballot for a vote. Ms. Reichelt requested a response from staff on this issue and warned that if the City is in violation, she may have to spend the night in one of the City's motels so that she can be in a position to file a complaint.

Mayor Pennino asked staff to respond to Ms. Reichelt as to whether the City has raised the TOT after Proposition 218 came into effect.

G. PUBLIC HEARINGS

None.

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 January 9, 2002
- b) Planning Commission report of January 23, 2002

H-3 The following postings/appointments were made:

- a) The City Council, on motion of Council Member Land, Nakanishi second, unanimously directed the City Clerk to post for the following expiring terms on the Eastside Improvement Committee.

Eastside Improvement Committee

Virginia Lahr	Term to expire March 1, 2002
Mark Gisler	Term to expire March 1, 2002
Felix Magana	Term to expire March 1, 2002

H-4 Miscellaneous – None

I. REGULAR CALENDAR

- I-1 "Adopt resolution approving changes to the job specification for the position of City Clerk"

Kirk Evans, Human Resources Analyst, reported that the proposed amendment to the job specification for the position of City Clerk is primarily to bring the education requirement in line with all other management positions in the City. He stated that all the management positions in the City require a Bachelors Degree, as do many mid-management positions.

Mayor Pro Tempore Hitchcock noted that the amendment does allow for substitution of two years administrative experience in a municipal agency for two years of college education.

MOTION/ VOTE:

The City Council, on motion of Council Member Land, Hitchcock second, unanimously adopted Resolution No. 2002-25 approving changes to the job specification for the position of City Clerk.

- I-2 "Adopt resolution amending Traffic Resolution to adopt Mills Avenue speed limit modifications"

Public Works Director Prima reported that staff completed the speed survey in accordance with state guidelines. They were able to take advantage of a new state law that allowed them to include residential density and character of the street in their evaluation of appropriate speed. Given the traffic volume, relatively low accident rate, and desire to maintain a consistent speed limit on the street, staff recommended that the entire street from Century Boulevard to Turner Road be established at 30 mph.

In reply to Council Member Hitchcock, Mr. Prima explained that even though the recommended speed limit will be below the 85th percentile, radar can still be used.

Council Member Nakanishi voiced support for the recommended speed limit, noting that it would increase safety.

Council Member Land stated that a few residents had contacted him regarding the portion of Mills Avenue between Tokay Street and Lodi Avenue, which has an "s" turn. He asked whether there had been an increased number of accidents in that area and if a 25 mph speed limit could be considered for that section.

Mr. Prima reported that the segment of Mills Avenue south of Lodi Avenue had only one accident in the last two years. The 85th percentile in that area is 34 mph. The Vehicle Code specifically prohibits considering curvature of the street. He explained that the entire street of Mills Avenue is a collector street, which runs north and south almost the full length of the City.

Council Member Howard stated that she also had concerns about the "s" turn on the street near Shady Acres and suggested placing additional bumps or reflectors in the area.

Mayor Pro Tempore Hitchcock asked whether notification was provided to residents in the area where the speed would increase from 25 to 30 mph.

Mr. Prima replied that notification was sent to approximately 30 individuals who had contacted the Public Works Department.

MOTION / VOTE:

The City Council, on motion of Council Member Nakanishi, Land second, unanimously adopted Resolution No. 2002-26 amending Traffic Resolution No. 97-148 by approving the speed limit modifications on the portions of Mills Avenue described on the Speed Survey (filed).

- I-3 "Authorize City Manager to accept a donation offer on behalf of the City of various indoor sporting and athletic facility equipment from Dave Vaccarezza; approve letter of understanding addressing the donation; and authorize staff to obtain bids as needed for transportation and warehouse storage space"

Parks and Recreation Director Baltz reported that Mr. Vaccarezza has offered, at the City's request, to provide storage for the sporting and athletic facility equipment at no cost to the City for up to 12 months. Mr. Vaccarezza has requested that the major items be utilized (or be part of a plan to be utilized) within 24 months or be returned to him.

Mayor Pennino disclosed that he met today with Mr. Vaccarezza, Parks and Recreation Director Baltz, and City Manager Flynn about this matter and potential future opportunities.

Council Member Nakanishi commented that this donation illustrates the high-degree of philanthropy that is evident in the community and thanked Mr. Vaccarezza and Mr. Baltz.

Council Member Howard asked why Breakaway Sports is no longer providing services in Galt. She questioned if it was successful, or whether there was a decrease in use and profits.

Mr. Vaccarezza replied that financially Breakaway Sports was not a successful venture, which he attributed to demographics of a small community with a large overhead business.

Council Member Howard noted that the square footage that the equipment occupied in Galt was 65,000 square feet, and the staff report states that 8,000 square feet of storage space is needed. She asked what would happen if it took longer than 12 months to use the equipment and if only a portion of the equipment were used within 24 months.

In reply, Mr. Baltz acknowledged that additional storage space would be needed. He confirmed that the letter of understanding calls for the equipment to be returned if it is not utilized within 24 months. If more than 12 months is needed for storage, the City would have the option of asking Mr. Vaccarezza to continue to store it, or find another location. He referred to paragraph three of the letter of understanding, which stated that the City is to either utilize the equipment or make it part of a plan for a capital project funded by the City within 24 months. Mr. Baltz interpreted "the major components" to be the large floor surfaces of the basketball courts, the soccer field, and the in-line skating arena.

Mayor Pennino explained that the purpose for the 12 and 24 month timelines is to ensure that the equipment is not stored indefinitely, and that the momentum continues toward increasing sports activities in the community.

Council Member Howard stated that if there were other agreements made verbally, such as leniency with the regard to the 12 and 24 month timeframes, she would prefer they be included in the contract.

Mayor Pro Tempore Hitchcock expressed concern with the 24 month timeframe, noting that the City does not yet have the design or property to build the indoor sports complex and suggested that the language be changed to "within a reasonable time."

In response to Mayor Pro Tempore Hitchcock, Mr. Baltz stated that he had not been successful in locating a site to either store or use the equipment. He reported that the cost to lease a warehouse is generally within the range of 22 to 46 cents per square foot per month.

Council Member Land disclosed that he had spoken to Mr. Vaccarezza twice about this issue. He voiced support for accepting the donation and stated that Mr. Vaccarezza is "a man of his word," who he believed would work with the City on a compromise of the agreement stipulations, as long as progress continues toward the eventual construction of a sports complex. He pointed out that even if the City had to pay storage costs for a year, it would still be advantageous to accept the equipment donation valued at over \$1 million.

In reply to Council Member Nakanishi, Mr. Baltz reported that if the City is successful in obtaining property for the indoor sports complex it would have just over 40,000 square feet. The proposed sports complex is estimated at 30,000 square feet. Mr. Baltz read the asset list identified as Attachment A to the memorandum dated December 20, 2001 from Mr. Vaccarezza (filed).

Mayor Pennino believed that the equipment would eventually fit into the site as proposed downtown near the Parks and Recreation facility. He hoped that construction on the indoor sports center could begin by the end of this year.

Council Member Howard pointed out that language in the letter of understanding stipulates that if the equipment is not used within a certain amount of time it must be returned. She asked Mr. Vaccarezza if he would consider changing the letter of understanding to require that only those pieces of equipment not specifically a key component of the City capital projects, or not in use, be returned. She explained that this would then not require the City to use all of the equipment, and yet be able to retain the pieces of equipment that it did have a need for.

Mr. Vaccarezza stated that he would not consider the change in language and explained that he purposely wrote the letter of understanding in such a way that it provides the City with an incentive for continued progress. He implied that his prior experience with government organizations has shown that they have a tendency to move very slowly without such incentives. Mr. Vaccarezza clarified that he was not requiring that all the equipment be in a facility in 24 months. He did, however, want to be assured that there would be a funded project within 24 months in which the equipment would be included. He also acknowledged that one of the reasons for his offer is to leverage indoor or arena soccer into the City's Parks and Recreation program. He noted that Lodi has a strong Hispanic soccer community; however, soccer has always seemed to come second to the traditional sports of football, basketball, and baseball. He stated that the equipment did not necessarily have to be used in one facility.

At the request of Council Member Land, Parks and Recreation Commissioner Ken Sasaki reported that the Commission voted 4-0 in favor of supporting the equipment donation.

Mayor Pro Tempore Hitchcock believed that the letter of understanding included requirements and timelines, which were impossible to meet. She expressed concern about the amount of space needed for the equipment and stated that she preferred to have the indoor sports center designed with the involvement of the Parks and Recreation staff, rather than having the equipment determine its design.

PUBLIC COMMENTS:

- Elaine Dornton stated that she was speaking on behalf of the hundreds of people who participated in indoor soccer at Breakaway Sports. She noted that the adult league is committed to playing year round and believed that Lodi would be an excellent central location for an indoor soccer facility.
- Scott Dornton spoke on behalf of a group of students from Houston School. He stated that his mother had informed him that the Council was reluctant to use the soccer equipment. In response, he had polled fellow students from Houston School, and displayed posters to Council, which demonstrated his findings that more people prefer soccer over basketball. In reply to Council Member Howard's inquiry, Mr. Dornton explained that Mr. Vaccarezza had told his mother that he thought the Council would use all the basketball equipment, but none of the soccer equipment. Mr. Dornton submitted 19 letters in support of accepting Mr. Vaccarezza's donation.
- Carl Cox commented that he had two children involved in the Parks and Recreation basketball program and urged Council to accept Mr. Vaccarezza's donation.

- Tony Alegre stated that he was representing the Boosters of Boys and Girls Sports. He recalled that Mayor Pennino wanted 20% outside participation for funding the sports facilities, and Mr. Alegre pointed out that with this donation, Mr. Vaccarezza has now fulfilled that requirement for the rest of the community. He believed Mr. Vaccarezza to be a reasonable individual who would not demand return of all the equipment, as long as the majority of the equipment was used. He suggested including Mr. Vaccarezza on the committee to provide input for the sports facility and urged Council to accept his equipment donation.
- Martha Acosta stated that there is a large number of Hispanic individuals who like to play soccer. She noted that her children had played at Breakaway Sports and her husband has played soccer for 30 years.

Council Member Howard asked whether the term “key feature” was equivalent to “major items.”

Mr. Vaccarezza defined the “major items” as both basketball courts and indoor soccer fields.

Council Member Howard asked if Mr. Vaccarezza would add another sentence toward the end of the letter of understanding to indicate that if the City can show that it has met these parameters (with the major items as just defined by Mr. Vaccarezza) within 24 months, then the equipment becomes the sole property of the City and it can use the equipment for the Parks and Recreation Department as seen appropriate.

Mr. Vaccarezza declined to add the additional language and stated that his intent is in the letter. Further, he pointed out that there are no guarantees in life. Mr. Vaccarezza gave his word that if the City proceeds with the sports center, his donation of equipment would become the property of the City.

In response to Council Member Howard’s continued pursuit to alter the verbiage in the letter of understanding, Mayor Pennino suggested that she express her position with her vote on the matter, as Mr. Vaccarezza had already made it clear he did not wish to amend the document.

Council Member Nakanishi stated that with some contracts it is important to review each detail; however, in this case he felt it was unwarranted, as the risk factors were insignificant. He noted that if the City decides in six months to return the equipment, it could do so. He believed that not to accept the gift would be foolish.

In reply to inquiries by Mayor Pro Tempore Hitchcock, Mr. Baltz reported that soccer field space requirements are 15,300 square feet each and a typical basketball court is 94 by 50 feet. The proposed indoor sports facility is estimated at 30,000 square feet with primary features being three full-size basketball courts, which could also serve, running side to side, as six youth courts. He noted that plans, which were done over three years ago, depicted three basketball courts and an indoor soccer field for a total of just over 40,000 square feet.

City Manager Flynn interjected that staff has also discussed placing soccer equipment outdoors with a roof covering tied to the building. It is hoped to develop such a concept in the master plan and return to Council with a recommendation.

Mr. Baltz reported that the budget estimate was based on a 30,000 square foot building at \$175 per square foot. He noted that an open span warehouse type of building would be substantially less than that.

Mayor Pennino stated that there might be adequate land available at the Parks and Recreation facility once the Maintenance and Parks Divisions move to the Municipal Service Center.

Mr. Vaccarezza believed that both arenas could be placed on the exterior of the building with an awning, lighting, bleachers, one entrance in the front of the building, and side doors to the arenas. With this method it would not be necessary to have an additional 30,000 square feet.

Mayor Pro Tempore Hitchcock asked Mr. Vaccarezza if he would be willing to serve on the citizen committee, to which he replied in the affirmative. She asked whether he would be willing to change 24 months to 36 months, to which he declined.

MOTION:

Council Member Land made a motion, Nakanishi second, to authorize the City Manager to accept a donation offer on behalf of the City of various indoor sporting and athletic facility equipment from Dave Vaccarezza; approve letter of understanding addressing the donation; and authorize staff to obtain bids as needed for transportation and warehouse storage space.

DISCUSSION:

Mayor Pro Tempore Hitchcock stated that she would support the motion, as she believed Mr. Vaccarezza to be of good character. Addressing Mayor Pennino she commented that not all the Council Members had the benefit prior to meeting of information related to outdoor structures.

Mayor Pennino encouraged all Council Members to contact staff prior to meetings to gain information and have their questions answered.

City Manager Flynn added that all the Council Members were called and asked if they had questions pertaining to the agenda and no replies were received.

Council Member Howard stated that she was disappointed at some of the restrictive language in the letter of understanding; however, she believed that it was an extremely generous gift and would vote in favor of accepting the equipment, as she felt that it would be for the greater good of the community.

Council Member Land recalled that there might have been discussion about the sports complex layout when Ms. Hitchcock was absent during the beginning of the closed session meeting tonight.

Mayor Pennino corrected Mr. Land stating that there was no discussion regarding outdoor soccer fields.

VOTE:

The above motion carried by a unanimous vote.

RECESS

At 9:45 p.m., Mayor Pennino called for a recess and the City Council meeting reconvened at 9:58 p.m.

I. REGULAR CALENDAR (Continued)

- I-4 "Adopt resolution authorizing the City Manager to execute a professional consulting services contract with ELS Architecture and Urban Design for design and construction administration of a Parks and Recreation Campus Master Plan and an Indoor Sports and Activity Complex and appropriate \$681,135 for the project"

Parks and Recreation Director Baltz explained that the contract specifies phases, which include survey, planning, schematic design, design development, construction documents, bidding, and construction. It gives the City the ability to discontinue the work at the end of any phase if so desired. It does not require Council approval at each phase within the process. Exhibit B of the contract specifies elements of the master plan and compensation for the firm, which totals \$94,200.

Mayor Pennino stated that it is important to focus on a campus setting, indoor sports center, that will include land that is currently owned, and that which may be owned in the future. If the equipment that has been donated will not all fit in the complex, then Council, staff, and citizens need to look at alternatives for placement of the remaining items.

Tom Sanchez, representing Boosters of Boys and Girls Sports, stated that the board is in support of this project and he encouraged Council to vote favorably.

Mayor Pro Tempore Hitchcock asked if design of the complex will precede property acquisition.

City Manager Flynn replied that the area from Elm to Locust Streets and Stockton Street to the railroad tracks has been set aside for the master plan. The area between the railroad tracks and Main Street has been designated for the building itself.

In response to Mayor Pro Tempore Hitchcock, Mr. Baltz stated that an optional site near the Grape Bowl was identified in a feasibility study done in 1997. He stated that there may be elements of the design work that could transfer to another site; however, the focus is now specifically on the area as described by Mr. Flynn.

MOTION / VOTE:

The City Council, on motion of Council Member Howard, Land second, unanimously adopted Resolution No. 2002-27 authorizing the City Manager to execute a professional consulting services contract with ELS Architecture and Urban Design for design and construction administration of a Parks and Recreation Campus Master Plan and an Indoor Sports and Activity Complex.

NOTE: Immediately following Item E-12, Council Member Hitchcock questioned whether the designated review group, which will provide input on the Parks and Recreation Campus Master Plan and an Indoor Sports and Activity Complex, can include community members. City Attorney Hays advised that there is no prohibition to adding other individuals to the review group.

- I-5 "Authorize the City Manager to negotiate and execute a professional services agreement with Wenell Mattheis Bowe for design and construction administration services for the new Electric Utility Building, corner of Guild Avenue and Thurman Street; execute Contract Change Orders as needed; and appropriate \$550,000 for the project"

Public Works Director Prima reported that the site for the new Electric Utility building is approximately eight acres and will include paving, a storage yard, outdoor covered storage, pipe conduit racking, special facilities to hold poles, as well as an administration, engineering, and maintenance facilities building for Electric Utility. Space is also available at this site for the new animal shelter. The Utility's relocation will free up space at the old Corp Yard, which is needed for the Water/Wastewater and Street Divisions of Public Works, and potentially, Parks Maintenance. The new Electric Utility building and site work is estimated at \$7 million. Design work and construction administration is \$515,000.

In answer to Council inquiries the following information was reported:

City Manager Flynn confirmed that property is still available west of Thurman Street for the previously proposed peak power plant.

Mr. Prima reported that the current Municipal Service Center is approximately 19,000 square feet and the new Utility building is 31,000 square feet.

Mr. Vallow anticipated that the earliest the Utility building would be ready for occupancy would be the latter part of 2003. He stated that the contract does not include designing the warehouse or ancillary buildings.

Gary Wiman, Construction Project Manager, reported that \$4.5 million is for the main facility. The site is \$2.9 million and will include the out-structures, pole storage, garages, line truck garage, infrastructure, and landscaping. He stated that the warehouse was not included in the total price of \$7.4 million.

Mr. Vallow stated that the warehouse was included in the total price.

Mayor Pennino stated that he would have preferred that the structure be built in phases and commented that it appears there is an inordinate amount of offices for the number of employees.

Mr. Vallow replied that the new Utility building adds five professional offices. There is a total of 39 offices and cubicles for a workforce of 51. He stated that they have been working out of portables since 1994.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Hitchcock second, unanimously authorized the City Manager to negotiate and execute a professional services agreement with Wenell Mattheis Bowe, of Stockton, for the final design of the new Electric Utility Building (including but not limited to construction drawings, specifications, and construction administration); to execute Contract Change Orders as needed; and appropriated \$550,000 for this project.

- I-6 "Authorize the City Manager to execute a professional services agreement with Watry Design Group for design and construction administration services for the new Civic Center Parking Structure, corner of Elm and Church Streets (\$365,000); execute Contract Change Orders as needed; and appropriate funds for the design and construction administration services"

Public Works Director Prima reported that the Civic Center parking structure was originally part of the police facility project. Staff now recommends moving into the design phase for the parking structure. One of the first items of work would be to return to Council with a more detailed plan, model, and elevation and perspective drawings.

City Manager Flynn stated that staff has contacted the County, Farmers and Merchants Bank, Lodi News Sentinel, theater representatives, and other large businesses in the downtown area, and have found there is a willingness on their part to participate in a larger parking structure.

In reply to Council Member Howard, Mr. Flynn stated that parking spaces for participating agencies and businesses would be on a long-term lease basis, not ownership.

Mayor Pro Tempore Hitchcock expressed concern with the parking structure and its location. She felt that its size is overpowering and it would destroy the integrity of the area. She believed it would be more prudent to assess the need for the Civic Center parking structure after the 329 stall parking structure on Sacramento Street is operational.

Council Member Nakanishi concurred with Ms. Hitchcock. He preferred the smaller option for the Civic Center parking structure, with perhaps the larger model, only if other businesses participate.

Council Member Howard believed that there was a need for additional parking and expressed her preference for the smaller structure.

Mayor Pennino asked staff to bring back to Council the design of the smaller model parking structure, and indicated that expansion could be considered if commitments were obtained from downtown businesses and the County.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Howard second, adopted Resolution No. 2002-28 authorizing the City Manager to execute a professional services agreement with Watry Design Group, of Redwood City, for the final design of the new Civic Center Parking Structure (including construction drawings, specifications, and construction administration); to execute Contract Change Orders as needed; and appropriated funds for the design and construction administration services. The motion carried by the following vote:

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

Noes: Council Members – Hitchcock

Absent: Council Members – None

- I-7 “Approve plans and specifications and advertisement for bids for the new Lodi Police Department building” was ***pulled from the agenda pursuant to staff’s request.***

- I-8 “Authorize the City Manager to negotiate and execute a lease agreement with the Lodi Adopt-A-Child Foundation for the New Shanghai Restaurant property, 100 East Pine Street, and authorize the Lodi Boys and Girls Club to sub-lease to the Community Partnership for Families of San Joaquin”

Mayor Pennino announced that at a recent meeting between himself, City staff, Lodi Adopt-A-Child Foundation, and Community Partnership for Families of San Joaquin, both organizations agreed to look at other locations. Subsequently, the Partnership agreed to locate their operations in part of the Boys and Girls Club facility, which allowed an opportunity for the Foundation to lease the New Shanghai restaurant building property.

Dennis Callahan, Fleet and Facilities Manager, confirmed that the Boys and Girls Club is willing to sub-lease space to Community Partnership. The Lodi Adopt-A-Child Foundation has requested a 20 year lease on the Shanghai building for \$1 per year. Mr. Callahan stated that the original donation of the building three years ago, specified that it not be demolished for a period of ten years. Consequently, the lease agreement would be for a minimum of seven years. The Foundation indicated in their proposal that it needs to secure a \$200,000 loan, which they believed could be done within a two-month period. Mr. Callahan stated that asbestos removal would be the responsibility of the City. He noted that the Foundation has applied for \$61,700 in CDBG funding for its scouting programs.

Mayor Pennino suggested that a closed session be scheduled prior to the next regularly scheduled City Council meeting for the purpose of discussing the lease.

In response to Council Member Land, Dennis Lewis stated that the CDBG funds that the Foundation has requested are for four scouting units. He reported that American Medical Response has begun a nationwide program in an effort to assist the Foundation with its building fund. Mr. Lewis also stated that he wrote a letter to the editor asking that each business and citizen donate \$5 toward the building fund. Currently the Foundation has

\$550 in the fund. A local bank has indicated a willingness to discuss a loan of approximately \$200,000; however, a lease must be in place first. Mr. Lewis stated that a contractor has assured him that the building renovations could be accomplished in eight weeks.

City Manager Flynn confirmed that asbestos removal and repair of the roof is the City's responsibility.

Mayor Pennino suggested that Mr. Lewis contact Frank Alegre who previously made a commitment to provide \$10,000 toward the building renovations, as well as the two individuals who Mr. Lewis stated have agreed to guarantee the proposed loan.

MOTION / VOTE:

The City Council, on motion of Council Member Nakanishi, Hitchcock second, unanimously authorized the City Manager to negotiate and execute a lease agreement with the Lodi Adopt-A-Child Foundation for the New Shanghai Building Restaurant property, 100 East Pine Street, and authorized the Lodi Boys and Girls Club to sub-lease space to the Community Partnership for Families of San Joaquin.

- E-10 "Adopt resolution authorizing the City Manager to execute a professional consulting services contract with Stantec Consulting, Inc., for design of DeBenedetti Park (G-Basin) and appropriate \$545,000 for the project"

Parks and Recreation Director Baltz reported that the contract calls for phased development, lighted athletic fields, multiples uses, and features conducive to effective and efficient maintenance and operation cost. It contains a timeline for construction documents to be at 90% completion by October 31. Exhibit B of the contract contains a lump sum amount fee structure. The contract does not include construction administration.

MOTION / VOTE:

The City Council, on motion of Council Member Howard, Land second, unanimously adopted Resolution No. 2002-29 authorizing the City Manager to execute a professional consulting services contract with Stantec Consulting, Inc., and allocating \$545,000 for the design of the DeBenedetti Park (G-Basin) project.

- E-11 "Adopt resolution authorizing the City Manager to execute a professional consulting services contract with ELS Architecture and Urban Design for design and construction administration of an Aquatics Facility and appropriate \$269,075 for the project"

Parks and Recreation Director Baltz stated that the contract calls for a scope of services to be conducted in phases to include surveying, planning, schematic design, construction documents, bidding, and construction assistance. The assumptions include that the site will be approximately three acres in size and located at the end of West Vine Street. It calls for extensive community input into the design process and consistent monthly meetings with City staff. The improvements that will be necessary to extend the utilities in the street are not a part of the scope of services.

MOTION / VOTE:

The City Council, on motion of Council Member Howard, Hitchcock second, unanimously adopted Resolution No. 2002-30 authorizing the City Manager to execute a professional consulting services contract with ELS Architecture and Urban Design and allocating \$269,075 for the design of the Aquatics Facility project.

- E-12 “Authorize City Manager to execute a professional services agreement with George Miers & Associates for Space Needs, Master Planning, and Schematic Design of a new Animal Services Facility; execute Contract Change Orders; and appropriate \$80,000 for the project”

Police Captain Main reported that the agreement is for a schematic design, needs assessment, and space requirements for a new animal shelter. The Animal Shelter Task Force will be involved in the process and will soon come to an agreement on the location.

PUBLIC COMMENT:

- Linda Hansen, member of the Animal Shelter Task Force, stated that their next meeting is February 13 and confirmed that they are very close to selecting a site.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Hitchcock, Land second, unanimously adopted Resolution No. 2002-31 authorizing the City Manager to execute a professional services agreement with George Miers & Associates for Space Needs, Master Planning, and Schematic Design of a new Animal Services Facility; to execute Contract Change Orders; and appropriated funds as recommended by staff.

J. ORDINANCES

None.

K. MEETING OF THE CITY OF LODI REDEVELOPMENT AGENCY

At 10:02 p.m., Mayor Pennino adjourned the City Council meeting to conduct the meeting of the City of Lodi Redevelopment Agency. Following the call to order, Secretary Blackston recorded roll.

- K-1 “Adopt resolution approving the preliminary report and transmittal to affected taxing entities on the proposed Redevelopment Plan for the Lodi Redevelopment Project No. 1”

NOTE: Due to a potential conflict of interest stemming from her spouse’s ownership of property in the Redevelopment Project Area, Mayor Pro Tempore Hitchcock abstained from discussion and voting on this matter and vacated her seat at the dais.

Community Development Director Bartlam explained that this is one of the initial steps in preparing the final plan for the Redevelopment Project Area. Staff, consultants, and the Project Area Committee have been working through a process in defining the redevelopment plan for the project area. The preliminary report needs Agency approval giving staff authority to transmit the report to the taxing entities for their review and comment. It is a mandatory document set out in community redevelopment law. The report is envisioned to begin the assessment of the project area’s condition. It is also the beginning of defining the project goals, as well as financing methods and activities. As part of the final plan, the Project Area Committee will review the report and provide comments to the Agency.

In reply to Council Member Howard, Mr. Bartlam stated that the Project Area Committee has a good working relationship.

PUBLIC COMMENT:

- Georgianna Reichelt stated that she belongs to a group that is adamantly opposed to redevelopment, due to past abuses. At Ms. Reichelt’s request, Mr. Bartlam provided her with a copy of the preliminary report. She asked whether the City would voluntarily go to a vote of the people in the project area, or if not, at what point signatures can be obtained to put the redevelopment issue on the ballot. She spoke about recent City of Stockton Redevelopment Agency actions.

At the request of Mayor Pennino, City Attorney Hays stated that if Ms. Reichelt is referring to an initiative petition to eliminate the Agency, she can attempt that at any time within the guidelines of the Elections Code.

Referencing the Preliminary Report, page IV-8, section 3, c, Hotel Tax, Council Member Land pointed out what appeared to be an error in reporting that the City received \$2.2 million in Transient Occupancy Tax (TOT) revenues.

City Manager Flynn confirmed that the report was in error and stated that the City received \$350,000 in TOT revenues.

Council Member Land asked Mr. Bartlam to communicate his support to the Planning Commission of its request to have the Redevelopment Area expanded to include Lodi Avenue to Ham Lane.

In reply to further inquiries by Council Member Land, Mr. Bartlam reported that as the City begins to receive increment within the first year, projects can be undertaken. He hoped to bring a plan back to the Agency in June or July 2002. He surmised that a project for affordable housing for seniors could be developed within a five year timeframe.

MOTION:

Member Land made a motion, Howard second, to adopt Resolution No. RDA2002-01 entitled, "A Resolution of the Redevelopment Agency of the City of Lodi Approving the Preliminary Report to Affected Taxing Entities on the Proposed Redevelopment Plan for the Lodi Redevelopment Project No. 1."

DISCUSSION:

Council Member Nakanishi noted that he was the sole vote in opposition to redevelopment when it was originally considered. He explained that there is inherent risk in the redevelopment process, which involves a debt structure, borrowing money, and reliance on increment. He expressed concern for the future, noting that the process will require individuals with significant business acumen to manage the process.

VOTE:

The above motion carried by the following vote:

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

There being no further business to come before the Redevelopment Agency, the meeting was adjourned at 10:20 p.m., and the City Council meeting was reconvened at 10:21 p.m.

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

- Council Member Howard reported that she and Mayor Pennino recently attended the Council of Governments (COG) "One Voice" event in Sacramento and plan to participate in the Washington D.C. event in March. They met with a number of Assembly Members and Senators and discussed issues, which included the air quality in San Joaquin County and possible interest of San Joaquin and Stanislaus Counties to form their own district for air quality. They spoke about Senate Bill 45 which involves allocation of transportation dollars. She stated that approximately 75% of the monies that are allocated (after Caltrans takes its initial sum) is used by the regional programs in order to help determine what types of transportation projects are going to be built. The remaining 25% is used for state highway transportation projects. Ms. Howard reported that there had been some interest from the

Governor and also from Caltrans to reconsider those numbers and try to allocate more toward the state transportation projects. The COG representatives, as well as Ms. Howard and Mr. Pennino, shared their interest in trying to keep the distribution as is, and to be part of any discussion that would try to change it.

- Addressing City Manager Flynn, Council Member Nakanishi asked how much under budget the City was last year. Mr. Flynn responded that it was just under a million dollars.
- Mayor Pro Tempore Hitchcock thanked Tom Sanchez and Central Valley Waste Services for their generous donation of \$10,000 to the Boys and Girls Club for the auction dinner, which took place last Saturday. She thanked all participants, and in particular, Janet Hamilton and Shareen Scherle.
- Mayor Pennino also thanked all participants in the Boys and Girls Club auction dinner. He noted that Phillips Vineyards donated the wine, and the meals were paid for by Council Members. He reported that a successful meeting recently took place in Roseville between Union Pacific Railroad, himself, City Manager Flynn, Charlie Swimley, Senior Civil Engineer, and Public Works Director Prima. Progress is being made toward removing the railroad tracks on Lodi Avenue, with a goal of black topping the tracks in April.

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

- Deputy City Manager Keeter announced that City Manager Flynn was born on February 17, 1942.
- City Manager Flynn announced that Police Chief Adam's birthday is February 27. He thanked the Council for their hard work at the Boys and Girls Club auction dinner last Saturday.

N. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:32 p.m.

ATTEST:

Susan J. Blackston
City Clerk