

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 20, 2002**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of March 20, 2002 was called to order by Mayor Pro Tempore Hitchcock at 6:10 p.m.

Present: Council Members – Hitchcock, Land, and Nakanishi

Absent: Council Members – Howard and Mayor Pennino

Also Present: Deputy City Manager Keeter, City Attorney Hays, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Actual litigation: Government Code §54956.9(a); one case; *Wood vs. City of Lodi et al.*, San Joaquin County Superior Court Case No. CV 014152
- b) Threatened litigation: Government Code §54956.9(b); one case; potential suit by Timothy Kruppe and others relating to enforcement of the Adult Entertainment Ordinance

C-3 ADJOURN TO CLOSED SESSION

At 6:10 p.m., Mayor Pro Tempore Hitchcock adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:27 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

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

In regard to Item C-2 (a), a settlement offer had been submitted to the three defendants in the case: the City of Lodi, San Joaquin County, and the State of California. Staff received direction with regard to the settlement.

In regard to Item C-2 (b), staff received guidance with regard to how to react to the threatened litigation.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of March 20, 2002 was called to order by Mayor Pro Tempore Hitchcock at 7:00 p.m.

Present: Council Members – Hitchcock, Land, and Nakanishi

Absent: Council Members – Howard and Mayor Pennino

Also Present: Deputy City Manager Keeter, City Attorney Hays, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Steve Jarrett, New Hope Community Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tempore Hitchcock.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Pro Tempore Hitchcock presented a proclamation to Community Improvement Manager Joseph Wood proclaiming the month of April 2002 as "Keep California Beautiful Month" in the City of Lodi. Mr. Wood introduced committee members and outlined the various activities of the Great American Clean Up campaign. Christine Weid of Central Valley Waste Services announced the winners of the Keep Lodi Beautiful poster contest.

D-3 (a) Katie Wagenman, member of the Greater Lodi Area Youth Commission, acknowledged the Teen of the Month, Januel Mercado from Bear Creek High School, and announced recent and upcoming activities of the commission.

E. CONSENT CALENDAR

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

Ayes: Council Members – Hitchcock, Land, and Nakanishi

Noes: Council Members – None

Absent: Council Members – Howard and Mayor Pennino

- E-1 Claims were approved in the amount of \$6,026,234.06.
 - E-2 The minutes of February 12, 2002 (Shirtsleeve Session), February 19, 2002 (Shirtsleeve Session), February 20, 2002 (Regular Meeting), March 5, 2002 (Shirtsleeve Session), and March 12, 2002 (Shirtsleeve Session) were approved as written.
 - E-3 Received Contract Change Order No. 2 and accepted improvements under the “Katzakian Park Improvements, 2735 West Turner Road” contract.
 - E-4 Received Contract Change Orders No. 1 through 3 and accepted the improvements under the “Stockton Street Reconstruction, Tokay Street to Lodi Avenue” contract.
 - E-5 Approved the improvement deferral agreement for 880 East Victor Road and authorized the City Manager and City Clerk to execute the agreement on behalf of the City.
 - E-6 Adopted Resolution No. 2002-55 authorizing the San Joaquin County Public Works Director to submit all necessary grant applications for the purposes of securing solid waste grant funds on behalf of the City of Lodi.
 - E-7 “Adopt resolution authorizing the Lodi Fire Department to apply for assistance to the Firefighters Grant Program (Fire Act)” was **removed from the Consent Calendar and discussed and acted upon at the beginning of the Regular Calendar.**
 - E-8 “Adopt resolution approving an agreement between the City of Lodi and Spare Time, Inc., dba Twin Arbor Athletic Club, for use of pools at Twin Arbor Athletic Club facilities for the period of June 3, 2002 to July 28, 2002” was **removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.**
 - E-9 Authorized the City to join the amicus brief in the case of Harvest Church v. City of Concord, No. A096604 (1st District).
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F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- MaryAnn Porterfield announced the Moonlight Swing dinner dance to be held on March 30. All proceeds will go toward funding various programs of Animal Friends Connection, Friends of the Pubic Library, and Friends of Lodi Lake.
- Bob Johnson stated that Senator Machado will be introducing legislation to the Local Government Committee on April 24, which will prevent the City from entering into a lease arrangement with a profit-making organization for its White Slough property. There have been ongoing negotiations with ProStyle Sports for the lease of hundreds of acres of City property along Interstate 5. There have also been negotiations in the past with power producers for construction of a generating facility on City property, which would allow an opportunity to sell excess electricity to the marketplace. The City is under pressure from the

state about wastewater discharge at White Slough. The City is contemplating increasing the capacity of the White Slough facility at an expense of \$20 to \$30 million. Mr. Johnson warned that if Senator Machado's legislation is adopted the Council would not have an opportunity to craft a public/private partnership agreement to maximize the use of City property. He urged Council to oppose the legislation so that Lodi would not lose control over its land.

Council Member Land stated that he had planned to bring up the issue of SB1717 under Item K this evening. He expressed outrage with the fact that Senator Machado had not communicated with the City prior to bringing this legislation forward. It appears as though Senator Machado is targeting Lodi and wants to take away local control of City property.

Mayor Pro Tempore Hitchcock concurred with Mr. Land's comments and stated that the City needs to take a stand on the issue.

G. PUBLIC HEARINGS

- G-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pro Tempore Hitchcock called for the Public Hearing to consider the Planning Commission's recommendation that the City Council adopt the 2001 Growth Management Allocations.

Community Development Director Bartlam explained that this matter was originally considered in January and is being re-heard due to an oversight in public noticing. The project represents 14.5 acres with 74 single-family residential units. Access will be gained from Elgin Avenue, Stockton Street, and Almond Drive. The layout will back up to Stockton Street with a reverse frontage wall and landscape. It is the only growth management project submitted this year. Currently there are approximately 1,000 single-family units, 330 medium-density units, and 1,300 high-density units available for allocation.

In reply to Council Member Nakanishi, Mr. Bartlam explained that Lodi has a small family of local builders who construct houses at their own pace and are cautious about not getting ahead of the economic cycle. In reference to reverse frontage walls, Mr. Bartlam stated that the developer is responsible for paying the City a one-time fee, after which the City is responsible for maintenance of the wall condition and landscaping adjacent to the street. The City will inspect the wall as is required.

Council Member Land asked if there was any response from the 47 property owners that Community Development failed to include in the first mailing. Mr. Bartlam replied that there were no responses, and no members of the public appeared to address this subject when it came before the Planning Commission.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Land, Nakanishi second, adopted Resolution No. 2002-56 rescinding Resolution No. 2002-04 and approving the 2001 Growth Management Allocations. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Land, and Nakanishi

Noes: Council Members – None

Absent: Council Members – Howard and Mayor Pennino

H. 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, Nakanishi second, rejected the following claims by the vote shown below:

Ayes: Council Members – Hitchcock, Land, and Nakanishi

Noes: Council Members – None

Absent: Council Members – Howard and Mayor Pennino

- a) Diana Kaul, date of loss 1/29/02
- b) Don Tonkin, date of loss 1/14/02
- c) Richard Woodward, date of loss 1/3/02

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

- a) Planning Commission report of February 27, 2002

H-3 Appointments – None

H-4 Miscellaneous

- a) The City Council received the cumulative Monthly Protocol Account report through February 28, 2002.

Mayor Pro Tempore Hitchcock suggested that a portable sound system for use at outdoor public events be purchased from the Protocol Account. Council Member Land agreed that the equipment is needed and stated that the funding source and allocation should be considered during the budget process.

I. REGULAR CALENDAR

NOTE: This item, which was removed from the Consent Calendar, was heard at the beginning of the Regular Calendar, rather than at the end.

E-7 "Adopt resolution authorizing the Lodi Fire Department to apply for assistance to the Firefighters Grant Program (Fire Act)"

Deputy City Manager Keeter explained that the Fire Chief would like to submit a grant application for an ambulance through the Firefighters Grant Program. The application must be submitted by April 1. At the April 16 Shirtsleeve Session the topic of the paramedic program and whether or not to incorporate transportation will be discussed. Should the City be awarded the grant in October 2002, staff will return to Council to request its acceptance.

Mayor Pro Tempore Hitchcock reminded Council and the public that this item is only to consider the grant application and not to weigh the merits of a paramedic program in the City.

Fire Chief Pretz acknowledged his awareness that the Council had been lobbied to disrupt this process. He recalled that last year the Fire Department had applied for wellness and fire prevention under this grant program and was not successful. He explained that this is an on-line process and it is expected that 25,000 applications will be submitted for \$360 million in grant program funds. Last year \$100 million was available and they received requests totaling \$3 billion. This year four categories are offered and the one that the Lodi Fire Department most closely qualifies for is the vehicle category, which would allow for purchase of an ambulance.

Council Member Land pointed out that the Council has not decided to move forward with transport or any type of ambulance service. If Council authorizes this grant program application and the City is successful, the Council will then be pressured to accept the grant. He asked why the Fire Department could not apply under the training category instead.

Chief Pretz explained that the program he will be proposing to Council in the future will include hiring already trained paramedics. Of the \$360 million available, \$90 million has been set aside for the vehicle purchase category. He noted that by the time the grants are awarded in October 2002, the Council will have already made a decision about the Fire Department's proposed paramedic program.

Council Member Land asked whether the ambulance could be used for purposes other than a paramedic and transporting program.

Chief Pretz replied that the department could use the ambulance any way that the Council approves of. He stated that there is a matching component to the grant program.

Council Member Nakanishi asked Chief Pretz why the department would not apply under the category of fire operations or fire safety.

Chief Pretz explained that the category of fire operations is for the purchase of equipment and is geared toward small fire departments, fire safety and prevention is for informational programs, and emergency medical services is for training individuals to become paramedics.

Council Member Nakanishi noted that because the Council has not yet decided on the issue of a Fire Department paramedic program, making a decision to approve this grant application for an ambulance may be perceived as though Council is, or will be, in favor of the program. He preferred that the department apply for a grant under the category of fire safety and prevention.

Chief Pretz admitted that the timing of the grant application process is unfortunate. He stated, however, that the Council gave the Department direction to seek other ways of covering costs, and with this grant application he is merely following that direction. In reference to the other grant categories, Chief Pretz stated that the department applied for fire prevention last year and were informed that they did not qualify.

Mayor Pro Tempore Hitchcock acknowledged that she received a copy of the grant document from Don Parsons. She concurred with earlier comments that action on this item may give an appearance that Council is supporting something that it has not yet addressed; however, she felt that if grant money is available it should be sought after.

PUBLIC COMMENTS:

- Lou Meyer, Chief Executive Officer for American Medical Response (AMR) Northern Pacific Region, believed that this grant application request for an ambulance is premature. Council received on January 16 only the preliminary report from the Fire Department regarding its desire to enter into the ambulance transportation service. At that meeting Council directed the Fire Chief to return with a more detailed plan for the Council to discuss at a future Shirtsleeve Session. A formal plan is to be considered at a regularly scheduled Council meeting. Mr. Meyer stated that page 12 of the 2002 program guidance document for the Fire Act grant program discourages the use of the grant for the purchase of ambulances, and states in part, "due to our priority to focus on basic firefighting capability we will not afford positive competitive standing to ambulances (transport vehicles) crash rescue, foam units, command and communication vehicles, and watercraft." Mr. Meyer stated that he serves as a member of the board of directors for the American Ambulance Association. The board was involved in providing comments and receiving reassurances from the authors of the Fire Act, as well as the Bush Administration, that these funds were not intended to be used to displace services already in place within a community. He read from page 11, section 3, of the emergency medical services section, "We believe it is more cost effective to enhance or expand an existing emergency medical service by providing training and/or equipment than it would be to create a new service." Mr. Meyer stated that they will afford a higher competitive rating to fire departments that are planning to upgrade their training of personnel to advanced life support services.

Council Member Land asked whether AMR or Laidlaw has received grants for equipment from the local, state, or federal government. Mr. Meyer replied that they have not. Mr. Land asked Mr. Meyer what would happen to AMR if the City of Stockton decides to provide ambulance transport service.

Mr. Meyer stated that thus far Stockton has only authorized its fire chief to bring a report back to Council. It is AMR's intent to continue to provide the service that it has been doing in the Lodi and Stockton communities for the past 25 years. AMR is governed by the County Emergency Medical Services System and they is their plan to continue to meet the obligations under the contract.

In reply to Council Member Land, Chief Pretz stated that staff had attended classes on the grant process and ambulances were a vehicle they would consider under the Firefighters Grant Program.

MOTION / VOTE:

Mayor Pro Tempore Hitchcock made a motion to adopt a resolution authorizing the Lodi Fire Department to apply for assistance to the Firefighters Grant Program (Fire Act). The motion **died** for lack of a second.

RECESS

At 8:24 p.m., Mayor Pro Tempore Hitchcock called for a recess and the City Council meeting reconvened at 8:35 p.m.

I. REGULAR CALENDAR (Continued)

- I-1 "Adopt resolution accepting recommendations from the Animal Shelter Task Force approving site location for the new Animal Shelter at Lodi Avenue and Guild Avenue"

Terri Arbuckle, Animal Services Officer, stated that the Animal Shelter Task Force has prepared a short report on its final decision for the location of the new Lodi Animal Shelter. She thanked each member of the Task Force for their commitment and time.

Linda Hansen reported that the Task Force voted on February 13 to select the Guild Avenue site as the location for the new Shelter. She commented that there were not many options to consider, as there are few locations available that would accommodate an animal shelter and have the appropriate zoning.

Council Member Land asked what other locations the Task Force considered, and how the "no kill" goal would impact the site selection.

Sue Pixler explained that the concept of "no kill" means that no healthy, adoptable animals will be euthanized for lack of a home or space to shelter them. The way to decrease the number of animals coming into the shelter is through a spay/neuter program. Animal shelters have four functions: 1) animal control, 2) animal sheltering, 3) education, and 4) adoption. Experts in the field recommend that contemporary animal shelters be placed in the community. Statistics show that adoption rates double when shelters are inside the city in a location with high visibility. Ms. Pixler pointed out that the Guild site is mostly a commercial area. She stated that the City Manager had asked staff to find other viable locations; however, at a subsequent meeting to consider the list of locations, it was quickly decided that they were not available.

In response to Mayor Pro Tempore Hitchcock, Ms. Hansen stated that the majority of the Task Force believes they can attract citizens to the Animal Shelter at the Guild site. She added that this site is a good available option that does not come with delays.

MOTION/ VOTE:

The City Council, on motion of Council Member Nakanishi, Land second, adopted Resolution No. 2002-57 accepting the recommendation from the Animal Shelter Task Force approving the site location for the new Animal Shelter at Lodi Avenue and Guild Avenue. The motion carried by the following vote:

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

- I-2 “Adopt resolution approving an additional Maintenance Worker III for the Street Division for the purpose of increasing street sweeping frequency”

George Bradley, Street Superintendent, recalled that the Public Works Department presented street sweeping information to Council at a Shirtsleeve Session in February. The department’s proposal was to double its street sweeping effort. Funding of \$82,000 was budgeted for this purpose from the Wastewater Division. Of that amount, \$26,000 will be needed for the Maintenance Worker III salary for the balance of this year, and \$56,000 will go toward purchase of a street sweeper. He stated that if Council approves this item tonight, the department could begin doubling its street sweeping effort April 1. Extensive public advertisement of the program is planned.

Council Member Land expressed approval of the multi-year plan and noted that staff plans to return to Council in early 2003 if they have difficulties getting cars off the street. He asked Mr. Bradley to address scheduling.

Mr. Bradley reported that the first sweeper will start at 4:00 a.m. and the second sweeper will begin at 5:00 or 5:30 a.m. He noted that the early hours are not spent in residential areas, but rather in the busy arterial streets before they are filled with traffic.

Council Member Nakanishi pointed out that with this program the City will have cleaner streets and water in the Mokelumne River, while staying within the current budget.

Mr. Bradley concurred and explained that dirt in the street gets into rivers and the most economical place to remove it is in the street before it gets to the storm system or waterways.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Nakanishi second, adopted Resolution No. 2002-58 approving the addition of one Maintenance Worker III position for the Street Division of the Public Works Department for the purpose of increasing street sweeping frequency as directed by the City Council at its February 26, 2002 Shirtsleeve Session. The motion carried by the following vote:

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

- I-3 “Adopt resolution approving the purchase of a Tymco Model 600 Regenerative Air Sweeper for the Street Division from GCS Western Power and Equipment, of Sacramento (\$133,500); and appropriate funds for the purchase”

George Bradley, Street Superintendent, reported that three street sweeping units were considered by staff, and they recommend purchase of the Tymco demo model, which has only 30 hours and 300 miles on it. A previously budgeted amount of \$56,000 will be placed toward its purchase and the remaining \$77,000 will come out of the Wastewater Division’s capital budget.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Hitchcock second, adopted Resolution No. 2002-59 to purchase a Tymco Model 600 Regenerative Air Sweeper demonstrator for the Street Division of the Public Works Department from GCS Western Power and Equipment, of Sacramento, California, in the amount of \$133,500; and appropriated funds in accordance with staff's recommendation. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Land, and Nakanishi

Noes: Council Members – None

Absent: Council Members – Howard and Mayor Pennino

- I-4 "Adopt resolution authorizing the City Manager to execute a professional services agreement with Black & Veatch Corporation, of Sacramento, to assist the City of Lodi with the Stormwater Management Plan and Permit (\$55,000)"

Marlinda Devera, Public Works Management Analyst, stated that the Central Valley Regional Water Quality Control Board requires that municipalities with populations of over 10,000 obtain an NPDES Phase 2 Stormwater Management Permit and create a plan that will need to be implemented within five years. Request for Proposals were solicited and five firms responded. Of these, two were interviewed and staff selected Black & Veatch Corporation. Ms. Devera reviewed the tasks that will be completed by the firm as outlined in the staff report. The anticipated date of completion for this project is December 16, 2002. Staff will return to Council prior to the completion date for approval.

Council Member Land recalled that the City paid \$25,000 for a Water Management Plan, which he felt was merely an update that staff could have accomplished without outside assistance.

George Bradley, Street Superintendent, pointed out that the City does not yet have a Stormwater Management Plan. He stated that when put into operation, these plans can cost municipalities \$3 to \$8 dollars per capita annually.

In response to Mayor Pro Tempore Hitchcock, Mr. Bradley explained that what experts in this field do in 400 to 500 hours, would take City staff twice that long, assuming they had the uninterrupted time to devote to it. The application must be submitted by March 10, 2003. He warned that if the City were late in filing, there are special interest groups eager to bring lawsuits and the Regional Water Quality Control Board can levy fines. By submitting early, it is hoped that the consultant will be able to influence the Board in the City's favor. The permit will be good for five years, and perhaps in the future staff can merely update it without the aid of outside assistance.

Bruce Corwin, Black & Veatch Project Manager, stated that they will look at Lodi's entire system to determine what improvements can be made. He explained that the danger of taking a document from another community is that it may have a best management practice that cost a great deal of money, which may not be needed in Lodi. He guaranteed that Black & Veatch would meet the deadlines and have the permit application submitted on time.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Nakanishi second, adopted Resolution No. 2002-60 authorizing the City Manager to execute a professional services agreement with Black & Veatch Corporation to assist City of Lodi with the preparation of the NPDES Phase II Stormwater Management Plan and permit application process, and appropriated funds in the amount of \$55,000 for the project in accordance with staff recommendation. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Land, and Nakanishi

Noes: Council Members – None

Absent: Council Members – Howard and Mayor Pennino

- I-5 "Adopt resolution authorizing the lease agreement between the City of Lodi and the State of California, acting by and through its Director of General Services, with the consent of the Military Department for the use of the National Guard Armory building"

Parks and Recreation Director Baltz reported that the lease agreement is for a term of five years with a monthly lease payment of \$425. The City will receive full credit for improvements estimated at \$91,500.

In response to Council Member Nakanishi, Mr. Baltz explained that the National Guard had a real estate specialist from its general services department survey the area and found that similar space ranges from 25 to 44 cents per square foot.

In reply to Council Member Land, City Attorney Hays stated that there will be two additions added to the documents: 1) Exhibit C outlining the improvements that are to be made to the facility, and 2) Mechanics lien language, which specifies that liens cannot be placed on public property.

At the request of Mayor Pro Tempore Hitchcock, Mr. Baltz reviewed the improvements that will be made to the facility. He stated that the National Guard took the anticipated \$91,500 for improvements, divided it by 60, and applied it on a monthly basis to the rental payment. To date the City has expended \$4,181 for fencing, and \$4,191 for drawings and specifications. These amounts were factored into the \$91,500 figure. He believed that the National Guard Armory building will be needed by the City in addition to the proposed Indoor Sports Complex.

Mayor Pro Tempore Hitchcock asked to what extent asbestos removal is required.

Steve Virrey, Parks Project Coordinator, replied that the facility had been surveyed for asbestos, lead paint, etc. and the only item identified for asbestos removal was 80 lineal feet of material wrapped around pipes in the bathroom facilities.

Council Member Nakanishi clarified that \$50,000 of the \$91,500 comes from Community Development Block Grant (CDBG) funding, \$8,000 was contributed by the Boosters of Boys and Girls Sports (BOBS), which leaves only \$33,000 to be paid from the City's contingency fund.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Nakanishi second, adopted Resolution No. 2002-61 authorizing the lease agreement between the City of Lodi and the State of California, acting by and through its Director of General Services, with the consent of the Military Department for the use of the National Guard Armory building. The motion carried by the following vote:

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

- I-6 "Adopt resolution awarding the contract for the California Army National Guard Building retrofit work, 333 North Washington Street (\$79,321.91), to Diede Construction; and appropriate \$91,500 for entire project"

Council Member Land thanked the Boosters of Boys and Girls Sports for its \$8,000 contribution toward this project. He asked staff whether there remains an opportunity for additional funding through the County Human Services Agency, as had previously been suggested.

Deputy City Manager Keeter reported that the City Manager has had discussions with the County and staff believes the City will be successful in receiving grant funding for this project, which will be used to reimburse the contingency fund and CDBG program.

Parks and Recreation Director Baltz concurred and noted that the grant will be through the County's Youth and Family Enrichment program.

Council Member Nakanishi also thanked the BOBS organization.

MOTION / VOTE:

The City Council, on motion of Council Member Nakanishi, Land second, adopted Resolution No. 2002-62 awarding the contract for the California Army National Guard Building retrofit work, 333 North Washington Street, to Diede Construction, of Woodbridge, in the amount of \$79,321.91; and appropriated funds in accordance with staff recommendation. The motion carried by the following vote:

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

- I-7 "Adopt resolution authorizing the City Manager to enter into a professional services agreement with Universal Field Services, Inc. for the Elm Street relocation services necessary to begin the new police facility project"

Rebecca Areida, Public Works Management Analyst, reported that the removal of several City-owned houses is necessary for the construction of the new police facility. This will require the relocation of four residential tenants and two business occupants. The Uniform Relocation Act requires that the City be responsible for relocating the tenants, as well as the cost involved with moving. Staff does not have the experience or expertise in such relocation services. Procedures under the Act must be followed to conform with state and federal laws. Staff feels that utilizing a consulting firm that specializes in relocation services would best suit the City's needs and ensure that proper procedures are followed. Three proposals were received for the Elm Street relocation services. Staff recommends Universal Field Services based on its knowledge and familiarity with the City and surrounding area. The firm is currently also working on the Kettleman Lane gap closure project and is handling associated relocation services. Ninety-day notices have already been sent to residences and business affected by this action. Ms. Areida reviewed the services that the firm will provide as outlined in the staff report.

Council Member Land and Mayor Pro Tempore Hitchcock questioned why relocation services could not be done by City staff.

Deputy City Manager Keeter explained that it requires specialized skill and the only individual on staff with this experience is Community Development Director Bartlam. It is estimated that relocation services would take 30 hours per unit. Mr. Bartlam does not have adequate time available to devote to this project.

In reply to Council Member Land, City Attorney Hays confirmed that the City will have hold harmless language in the agreement with Universal Field Services.

MOTION / VOTE:

The City Council, on motion of Council Member Nakanishi, Land second, adopted Resolution No. 2002-63 authorizing the City Manager to enter into a professional services agreement with Universal Field Services, Inc. for the tenant relocations on West Elm Street. The motion carried by the following vote:

Ayes: Council Members – Land and Nakanishi
Noes: Council Members – Hitchcock
Absent: Council Members – Howard and Mayor Pennino

- E-8 "Adopt resolution approving an agreement between the City of Lodi and Spare Time, Inc., dba Twin Arbor Athletic Club, for use of pools at Twin Arbor Athletic Club facilities for the period of June 3, 2002 to July 28, 2002"

Mayor Pro Tempore Hitchcock asked whether this agreement will create an elite team or hard feelings on the part of other coaches and teams involved in the Summer Swim League.

Parks and Recreation Director Baltz replied that in his, and his staff's opinion, an elite team is not being created by this agreement and he has received no feedback from participants that it is inequitable.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Hitchcock, Land second, adopted Resolution No. 2002-64 approving an agreement between the City of Lodi and Spare Time, Inc., dba Twin Arbor Athletic Club, for use of pools at Twin Arbor Athletic Club facilities for the Summer Swim League for the period of June 3, 2002 to July 28, 2002. The motion carried by the following vote:

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

J. ORDINANCES

None.

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

- Council Member Land commented that he enjoyed the ribbon cutting on Monday for the Amtrak service. In response to complaints about not having a ticket outlet at the train depot, he suggested options such as calling 1-800-USA-RAIL, using the keyword "Amtrak" to access the Internet site, or reserving tickets through a local travel agency. In addition, he asked that the matter of SB1717 be placed on the next regularly scheduled Council agenda.
- Council Member Nakanishi mentioned that Mayor Pro Tempore Hitchcock did a fine job handling tonight's meeting. He noted that Mayor Pennino and Council Member Howard are absent due to attendance at the San Joaquin Council of Governments One Voice event in Washington D.C. He announced the recent birth of his fifth grandchild Cameron Tyler Kiyoshi.
- Mayor Pro Tempore Hitchcock noted that the Lodi Breakthrough Project was acknowledged in the League of California Cities Diversity Program Resource Guide. She asked the City Clerk to prepare a thank you note on behalf of the Mayor to the City of Merced for the cake and card they gave the City at the recent Amtrak train celebration event. She noted that Mayor Pennino placed a statement in the newspaper related to this matter, and his daughter read it at the event. She reminded everyone that April 13 is "Dollar Dump Day" and encouraged citizens to take advantage of the opportunity.

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

- Deputy City Manager Keeter announced that tomorrow is Council Member Nakanishi's birthday.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:06 p.m.

ATTEST:

Susan J. Blackston
City Clerk