

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 15, 2002**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of May 15, 2002 was called to order by Mayor Pennino at 5:39 p.m.

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

Absent: Council Members – Hitchcock

Also Present: City Manager Flynn, Deputy City Attorney Schwabauer, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Actual litigation: Government Code §54956.9(a); one case; People of the State of California, and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM (CA)

C-3 ADJOURN TO CLOSED SESSION

At 5:39 p.m., Mayor Pennino adjourned the meeting to a Closed Session to discuss the above matter.

The Closed Session adjourned at 6:47 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:02 p.m. Mayor Pennino reconvened the City Council meeting, and Deputy City Attorney Schwabauer disclosed the following action.

In regard to Item C-2 (a), staff received direction on the subject matter.

MEETING OF THE REDEVELOPMENT AGENCY OF THE CITY OF LODI

At 7:03 p.m., Mayor Pennino adjourned the City Council meeting to a meeting of the Redevelopment Agency of the City of Lodi (NOTE: refer to the Redevelopment Agency minutes of May 15, 2002). The City Council meeting reconvened at 7:31 p.m.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of May 15, 2002 was called to order by Mayor Pennino at 7:31 p.m.

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

Absent: Council Members – Hitchcock

Also Present: City Manager Flynn, Deputy City Attorney Schwabauer, and City Clerk Blackston

B. INVOCATION

The invocation was given by Captain Frank Severs, Lodi Salvation Army.

C. PLEDGE OF ALLEGIANCE

Following the posting of the flags and salute by the Lodi Police Honor Guard, the Pledge of Allegiance was led by Mayor Pennino.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Pennino presented a proclamation to Captain Frank Severs with the Lodi Salvation Army proclaiming the week of May 13 – 19, 2002 as “National Salvation Army Week” in the City of Lodi.

Captain Severs reported that letter carriers collected 33,000 pounds of food last Saturday, which will stock the Salvation Army's food bank for the summer months. The Salvation Army has a medical clinic, shelter, community hot meals program, and a utility assistance program.

- D-2 (b) Police Chief Adams introduced members of the Honor Guard and reported that they had represented Lodi and State Peace Officers at the Sacramento and National Peace Officer Memorials.

Mayor Pennino presented a proclamation to the Lodi Police Honor Guard proclaiming the month of May 2002 as "Peace Officer Memorial Month" in the City of Lodi.

Mayor Pennino reminded the public that the dedication of the Lodi Area All U.S. Military Veterans Plaza will be held on May 22.

- D-2 (c) Mayor Pennino presented a proclamation to Sharon Welch, Senior Civil Engineer, proclaiming the week of May 19 – 25, 2002 as "National Public Works Week" in the City of Lodi.

- D-3 (a) Yuba Grant, member of the Greater Lodi Area Youth Commission, acknowledged the Teen of the Month, Spencer Lang from Lodi High School. Accepting the award on behalf of Spencer were his parents, Joanne and Mike Lang.

- D-3 (b) Janet Hamilton, Management Analyst, announced the third annual Celebration on Central, a collaboration between the Community Partnership for Families of San Joaquin and the City of Lodi. She introduced Robina Asghar and Francisco Trujillo of the Partnership.

- D-3 (c) Frank Beeler, Water/Wastewater Superintendent introduced Dan Straight, Water Conservation Coordinator.

Mr. Straight reported that Lodi has been involved with water conservation programs since 1977 and he has been teaching water science in schools since 1986. Last June Public Works Water/Wastewater Division implemented a new rebate program to replace five gallon toilets with ultra low-flow models, and to date they have replaced 93.

- D-3 (d) Water/Wastewater Superintendent Beeler stated that the Lower Mokelumne River Watershed Stewardship Committee, together with farmers, landowners, and cities, have been looking at all aspects of the Mokelumne River. He introduced John Brodie, Mokelumne River Watershed Coordinator.

Mr. Brodie explained that the overall Watershed Stewardship Plan involves several aspects, e.g., cultural resources, economic development, agriculture, flood control, water quality, etc. The committee was the catalyst for producing the Lodi-Woodbridge Winegrape Commission Grape Growers Workbook and a Resident's Handbook. The Plan is voluntary, non-regulatory, and currently is in draft form and open for public comment. An open house will be held at Hutchins Street Square on May 23. He played a portion of an informational video that was produced on the Mokelumne River and reported that it won two videographer awards for creativity and videography out of a competition of 2,500 entries across the United States and internationally. He congratulated producer Stan McInturf.

Mayor Pennino suggested that the video be made available at the library.

E. CONSENT CALENDAR

City Manager Flynn requested that Item I-5 be pulled from the agenda, explaining that a proposal was received from the owner of the building that is under negotiation and the matter will be discussed in closed session at a later date.

Referring to Item E-16, Council Member Howard noted that the income eligibility requirements for the Residential SHARE Program Service related to electric rates have been increased from \$18,000 to \$22,000 so that more people will be eligible for the program. Information about the program will be included in June utility bills.

Continued May 15, 2002

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

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

- E-1 Claims were approved in the amount of \$3,074,750.58.
- E-2 The minutes of April 23, 2002 (Shirtsleeve Session) and April 23, 2002 (Special Meeting) were approved as written.
- E-3 Approved the plans and specifications for the White Slough Control Building Reroof Project and authorized advertisement for bids.
- E-4 Authorized staff to request and advertise for proposals to provide instrumentation maintenance services for the White Slough Water Pollution Control Facility.
- E-5 Adopted Resolution No. 2002-88 rejecting proposals for the purchase and removal of houses located on the site of the future Police Building.
- E-6 Adopted Resolution No. 2002-89 awarding the bid for two 75-foot Class 1, twenty 55-foot Class 1, ten 50-foot Class 3, and seven 45-foot Class 3 wood utility poles to the low bidder, J. H. Baxter & Company, of San Mateo, in the amount of \$19,827.08.
- E-7 Adopted Resolution No. 2002-90 awarding the contract for the Lodi Library Community Room/Lobby Upgrade to DC Builders, of Stockton, in the amount of \$69,871; and appropriated funds for the project in accordance with staff recommendation.
- E-8 Adopted Resolution No. 2002-91 accepting the development improvements for 535 South School Street.
- E-9 Adopted Resolution No. 2002-92 accepting the development improvements for Century Meadows Four, Unit No. 1, Tract No. 2573.
- E-10 Adopted Resolution No. 2002-93 authorizing the City to purchase office supplies under terms of the contract between the State of California and its office supplies contractor, Boise Cascade Office Products, of Sacramento.
- E-11 Adopted Resolution No. 2002-94 authorizing the City Manager to hire the consulting services of Padilla & Associates, Inc. to submit the City of Lodi's Disadvantaged Business Enterprise Program Overall Annual Goal for Federal Fiscal Year 2002/03 in the amount of \$6,300.
- E-12 Adopted Resolution No. 2002-95 authorizing the City Manager to execute an agreement with Cooperative Personnel Services to develop performance examinations for the positions of Firefighter and Fire Engineer in the amount of \$24,000.
- E-13 Adopted Resolution No. 2002-96 authorizing the City Manager to execute a special service agreement with ORCOM to enhance the CIS system to implement the Home Comfort Discount (electric rate changes).
- E-14 Adopted Resolution No. 2002-97 authorizing the City Manager to execute the United States Department of Energy Western Area Power Administration Letter Agreement 02-SNR-00481 with the City of Lodi.
- E-15 Adopted Resolution No. 2002-98 supporting the City of Lodi's application for Watershed, Wildlife, and Parks Improvement Bond Act of 2000 – Proposition 12 Grant to purchase trees for the South Hutchins Street project, and authorizing the City Manager to execute applicable agreements or contracts pertaining to the above proposal.

- E-16 Introduced Ordinance No. 1710 amending Chapter 13.20, Electrical Service, by amending Section 13.20.200 relating to the income eligibility requirements for the Residential SHARE Program Service related to electric rates.
 - E-17 Adopted Resolution No. 2002-99 consenting to and calling a joint public hearing on June 19, 2002 on the proposed Redevelopment Plan for the Lodi Redevelopment Project No. 1 and certify the final Environmental Impact Report relating thereto.
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F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Janet Hamilton, Management Analyst, reported that Al Muller is the Director of the ARTSworkYES! Program that is funded by the Human Services Agency. The program is a component of the City's after school program at Heritage and Lawrence Elementary Schools.

Instructor Lisa Ratto explained that the nine-week program teaches visual art, drama, dance, and music at 15 schools and the Mary Graham Children's Shelter.

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 Pennino called for the Public Hearing to consider the Planning Commission's recommendation that the City Council adopt an amended 2001 Growth Management Allocation schedule adding the 77 low-density allocations of the Luckey/Lackyard Development plan.

Community Development Director Bartlam explained that the action under consideration is the culmination of the process for receiving allocations necessary to ultimately develop the property located off Harney Lane, east of Lower Sacramento Road. It will consist of single-family detached lots on two-thirds of the property. The upper one-third is a 13-acre piece of property that Lodi Unified School District is acquiring for a new school site. The City's DeBenedetti Park is located to the north of the property. The project is 77 lots, single-family detached, with larger lots to the west adjacent to the existing Sunnyside Estates subdivision in the county and standard R-2 lot size to the east toward Mills Avenue. Mr. Bartlam reported that the City has over 1,000 single-family residential allocations available.

In answer to Council Member Land, Mr. Bartlam stated that access to the future school has been considered. The tentative map is identical to what Council acted on previously.

Council Member Howard noted that the revised lot size proposal includes 26 lot sizes that range from 5,500 to 5,999 square feet, 33 lot sizes that are 6,000 to 6,499 square feet, and 18 lot sizes 6,500 square feet and greater.

Council Member Nakanishi asked why more single-family homes are not built in Lodi.

Mr. Bartlam explained that the small development community in Lodi considers itself to be quite busy. A number of projects have been approved, but are not yet built. In addition, there are some outstanding utility issues.

Hearing Opened to the Public

- a) Terry Piazza urged Council to support the project.

Council Member Howard thanked Luckey/Lackyard Development for bringing back to Council the revised lot sizes, which included lots that were larger than what was originally presented. She felt it was important in the balance of home sizes throughout Lodi to have some that were 6,500 square feet or greater.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Land, Howard second, adopted Resolution No. 2002-100 rescinding Resolution No. 2002-56 and approving the amended 2001 Growth Management Allocation schedule by adding the 77 low-density allocation of the Luckey/Lackyard Development plan. The motion carried by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

- G-2 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing to consider the Planning Commission's recommendation that the City Council approve a request by Laila Sorour for two actions: 1) amend the General Plan from LDR, Low Density Residential to O, Office for 1116 South Fairmont; and 2) rezone 1110 South Fairmont from RCP, Residential Commercial Professional, to RGA, Residential Garden Apartment to permit the construction of two duplexes.

City Manager Flynn noted that Council received a petition regarding this matter (filed).

Community Development Director Bartlam reported that these properties were originally annexed into the City approximately 50 years ago and have not been developed. The area on south Fairmont Avenue is a mixture of office, single-family, and multi-family residential dwellings. At 1116 South Fairmont Avenue the current general plan designation is low-density residential. The existing zoning on this property is RGA. The property to the north currently has a zoning designation of RCP, which is a designation that allows for both residential and office development. The property owners are requesting that the zoning be changed to RGA. The end result of their request is to have one designation (RGA) for both properties they own.

Mr. Bartlam explained that both designations allow single- and multi-family residential uses. The RCP zoning adds the office component. Both zonings would allow for the duplex units that the property owners are requesting. Both zonings also have identical lot coverage and allow for two-story developments, setbacks of ten feet minimum to the rear, and two parking spaces per unit. Mr. Bartlam briefly described the surrounding area and proposed duplex. He explained that the request before Council is a change in the general plan for one piece of property and zoning for the other. It will bring consistency between the two in an effort to build an infill residential development on a street that has a mixture of land uses.

In reply to Mayor Pennino, Mr. Bartlam stated that there is no designation in the City that does not allow two-story development.

Jim Jacobson, Operations Manager, stated that Bennett Development is representing Dr. and Mrs. Sorour regarding development of this property. He pointed out that the conformity on the general plan is at the request of the City. The reason for reconfiguring the property to two equal lots is that it allows the development to be a much more viable and aesthetically pleasing project. It will allow the units to be owned separately. Because of the efficiency of sharing the driveway, the side lot setback on this project is twice as much as is required and the rear lot setback is two feet more than required. The garage doors will face each other. The units will be just over 1,600 square feet each and will probably rent for \$1,500 to \$1,600 a month.

Council Member Nakanishi asked what one duplex would be worth.

Mr. Jacobson estimated \$350,000; however, he noted that property values are changing rapidly in the market now.

Council Member Land stated that some residents feel they will lose some privacy because the units are two story. He asked whether a mitigating effort could be made by eliminating full windows on the east side, which face residential properties.

Mr. Jacobson noted that there is a considerable amount of landscaping on the neighbor's property that goes beyond the height of the proposed duplexes. Window placement is on the long wall and moving them would create a furniture placement/decorating problem.

Council Member Land asked that window placement and size be considered so that residents do not feel they are losing privacy. He also noted that concerns were expressed about the good neighbor fence in the back of the property.

Mr. Jacobson replied that Bennett Development's preference is to replace the fence entirely.

Hearing Opened to the Public

- a) Janet Wilcox stated that her home backs up to the property. She urged Council to reject the zoning and rescind the RGA designation. She believed that the duplexes would rent while the demand is high, but the two power poles on the property detract from, and make it undesirable. She stated that it is the only land left available for professional use by the hospital and she would like to keep it that way.

Public Portion of Hearing Closed

Council Member Howard asked why the "Office" designation is desired for 1116 South Fairmont.

Mr. Bartlam stated that the General Plan calls for that designation to implement multi-family residential zoning. While it is office designated, it would allow for a subsequent owner to remove the units, but a zone change would have to occur as well in order to place the RCP designation back on the property.

Council Member Howard felt it would be best if both lots had the same zoning.

Mr. Bartlam explained that Office is the general plan designation and RGA is the zoning designation and they are not incompatible. Currently there are two different designations on each of the properties. The root of the request is to get to a single designation on the parcel, which in this case, is being requested at RGA.

Council Member Howard concurred with Mr. Land's previous statements and encouraged the developer to consider and implement good neighbor elements, such as modifying the shape of the second story windows so that it allows lighting, but retains privacy for adjacent residents.

Council Member Nakanishi asked why the property owners chose not to build an office.

Mr. Bartlam reported that there is a greater need for residential property at this time. There is a significant amount of Office zoned land on Kettleman Lane that has been vacant for a long time.

In answer to Council Member Nakanishi, Mr. Bartlam stated that the property owners could have chosen to build an apartment on the site and he would have encouraged it, had they done so.

Referencing page 4, item 1, c, of the EIR, Council Member Land asked how it is being mitigated.

Mr. Bartlam reported that the setbacks are greater than the City's minimum. The proposed project is compatible with what is existing currently on Fairmont, as well as to what is to the east.

In response to additional questions by Council Member Land, Mr. Bartlam stated that if an office were built on the property there would be no restriction against it operating 24 hours a day. A trash enclosure with a bin could be installed; however, Mr. Bartlam pointed out that rolling the carts out to the sidewalk would be no different for this property than any other in the City.

Mayor Pennino voiced support for the project. He commented that he would like the City to have an ordinance requiring all electrical/infrastructure lines to be underground.

MOTION / VOTE

The City Council, on motion of Council Member Howard, Nakanishi second, took the following actions by the vote shown below:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

- Adopted Resolution No. 2002-101 entitled, "A Resolution Of The Lodi City Council Amending The Land Use Element Of The Lodi General Plan By Redesignating 1116 South Fairmont Avenue (APN 031-120-28) From LDR, Low Density Residential To O, Office"; and
- Introduced Ordinance No. 1711 entitled, "An Ordinance Of The Lodi City Council Amending The Official District Map Of The City Of Lodi And Thereby Rezoning 1110 South Fairmont Avenue (APN 031-120-53) From RCP, Residential Commercial Professional To Residential Garden Apartment."

RECESS

At 8:50 p.m., Mayor Pennino called for a recess and the City Council meeting reconvened at 9:00 p.m.

H. COMMUNICATIONS

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

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

- a) Planning Commission report of April 24, 2002

H-3 The following postings/appointments were made:

- a) The City Council, on motion of Council Member Land, Nakanishi second, directed the City Clerk to post for the following vacancies by the vote shown below:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

Lodi Arts Commission

J. Douglas Gerard	Term to expire July 1, 2002
James Harvey	Term to expire July 1, 2002
Cynthia Inman	Term to expire July 1, 2002
Jennifer Walth	Term to expire July 1, 2002

Library Board of Trustees

Don Shephard	Term to expire June 30, 2002
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Planning Commission

Jonathan McGladdery	Term to expire June 30, 2002
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H-4 Miscellaneous

- a) City Clerk Blackston provided the cumulative Monthly Protocol Account Report through April 30, 2002.

I. REGULAR CALENDAR

I-1 "Adopt resolutions authorizing the City Manager to appropriate the following Public Benefits Program funds:

- a) \$25,000 to extend the Lodi Energy Efficient Window and Shade Screen Program
b) \$50,000 to extend the Lodi Appliance Rebate Program
c) \$30,000 to extend the Lodi Small Business Energy Services Partnership"

Rob Lechner, Manager of Customer Programs, reported that the Energy Efficient Window and Shade Screen Program provides a \$1.25 rebate for the installation of approved and designated energy efficient windows and a \$0.50 per square foot rebate for installation of shade screens. The Appliance Rebate Program provides rebates for refrigerators, dishwashers, single-room air conditioners, manual defrost freezers, and front-load clothes washers. The Small Business Energy Services Partnership is designated for G-1 and G-2 customers and provides a dollar for dollar rebate up to \$350.

MOTION/ VOTE:

The City Council, on motion of Council Member Nakanishi, Howard second, adopted the following resolutions by the vote shown below:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

- Resolution No. 2002-102 authorizing the City Manager to provide a Public Benefits Program Grant in the amount of \$25,000 to fund the Lodi Energy Efficient Windows and Shade Screen Program;
- Resolution No. 2002-103 authorizing the City Manager to provide funding for the Public Benefits Program Grant – Lodi Appliance Rebate Program in the amount of \$50,000; and
- Resolution No. 2002-104 authorizing the City Manager to provide funding for the Public Benefits Program Grant for the Lodi Small Business Energy Services Partnership in the amount of \$30,000.

I-2 "DeBenedetti Park project review and request for direction"

Parks and Recreation Director Baltz reported that the concept plan for DeBenedetti Park is being presented to Council tonight. The City owns the 49-acre site.

Jordan Postlewait, Landscape Architect and Project Manager for Stantec, Inc., introduced Hydrologist Jim Nelson, Landscape Architect Mark Hall, and three-dimensional computer modeling expert Laura Rush. He stated that Stantec has over 3,000 employees in 45 offices throughout the United States and Canada. The Sacramento office has 130 employees. The firm does landscape architecture, planning, hydrology, surveying and civil, mechanical, architectural, and electrical engineering. In the concept design Stantec staff has tried to maximize the efficient use of land by combining recreation and flood control into a single consolidated facility. It has set aside an area to accommodate the low flow and provided internal zones with differing flood risks.

Mr. Postlewait noted that Stantec was selected through an RFP process to design this project. A steering committee was formed consisting of members of Stantec, Parks and Recreation, Boosters of Boys and Girls Sports (BOBS), and Public Works. The committee met monthly and their input was used to design the project. An opportunities and constraints analysis of the property was done, as well as alternative design concepts. Many hydrological evaluations were done concurrently with recreational components. A community workshop was also conducted.

With the aid of overheads Mr. Postlewait described the project. He stated that the design being presented saves all seven existing heritage oak trees on the site. He explained that it is a joint use recreation/flood control project that must accommodate 200 acre feet of water. The site is approximately 50 acres, so 4 acres would have to be removed to get the necessary water storage. In order to accommodate the design, approximately 350,000 cubic yards of dirt must be removed, which equates to 40,000 truck loads. The low-flow area will not have recreational benefits and will be fenced and heavily screened with landscape and plant material. In a first flood event the practice fields may flood and in more significant flood events some of the baseball fields may flood. The most appropriate access to the park is off Century Boulevard with secondary access off Lower Sacramento Road. The primary architectural element is a 6,000 square foot concession building, which will also have public meeting rooms and restrooms.

Mr. Postlewait stated that there will be a perimeter fence around the entire site. There is at grade parking accommodating 350 vehicles, including space for buses. The project includes a pedestrian plaza and football, baseball, soccer, and basketball areas, as well as a maintenance facility, well site, and storage.

With the use of overhead depictions Mark Hall showed the areas designed for flood events of zero to two years, two to five years, and five to one hundred years. He reported that a community workshop was conducted at the library in April and a public opinion survey was distributed. The community was involved in the selection process of the amenities.

In reply to Council Member Nakanishi, Public Works Director Prima stated that the site had been planned for a drainage basin for decades and development of the area began ten to twelve years ago on a temporary basis.

Mr. Hall noted that the park will also include public art. There are opportunities in the sloped areas for seating. A covered play structure is planned for the central area of the park. There will be lighting and a variety of trees and shrubs throughout the park.

Mr. Postlewait reported that Phase 1, at a cost of \$2.5 million, will include flood control components, site grading, and installation of a pump station for the low-flow area. Phase 2, at \$4.3 million, will include park infrastructure, irrigation main line, conduit for electrical lighting, parking, perimeter fencing, and landscaping. Phase 3, estimated at \$3.9 million, will include all park facilities, buildings, restrooms, and additional paving surfaces. The total cost for the entire project is \$10.7 million.

He anticipated that the site master plan would be completed by the end of April and construction documents could proceed in May. The construction documents need to be completed by the end of October in order to qualify for funding that has been identified. Mr. Postlewait hoped to do a mass grading contract as soon as possible.

City Manager Flynn stated that the Council will be considering phasing in capital projects during its next Shirtsleeve Session related to the budget.

Mayor Pennino noted that two Council Members will be absent next week.

Laura Rush displayed a three-dimensional overhead presentation of the proposed DeBenedetti Park. In answer to Mayor Pennino, she stated that she has a degree in landscape architecture from University of California Davis.

Public Works Director Prima reported that the low-flow area is 35 feet deep. Plants will be used to improve water quality before it gets discharged, which ties into the storm drain permit that will be coming up. He agreed that it is important to let a grading contract early so that it can be extended over a period of time to minimize the cost of excavation. He noted that in the fee program, staff has assumed no excavation cost.

PUBLIC COMMENTS:

- Bob Johnson, Chairman of the Parks and Recreation Commission, recalled that Ed DeBenedetti retired in 1985. Salas Park, built over 20 years ago, was the last full service facility built in Lodi. DeBenedetti Park was listed as a high priority in the master plan written in 1994. The commission unanimously endorsed the project as described by Stantec and urged Council to support it.
- Tim Greenmyer, BOBS Vice President, also spoke in support of the project and urged Council to vote favorably.
- Elvera Melby, Lodi Sports Foundation, stated that there is a dire need for additional sports facilities in the community.

Council Member Land noted that he has asked that illuminated signs be placed at DeBenedetti Park giving notice to potential homebuyers in the area that it will be a lighted park.

Mayor Pennino suggested that the developer provide informational sheets to homebuyers, to inform them of the plan for a lighted park.

Community Development Director Bartlam believed that the property agents are informing prospective buyers of the subdivision that there will be a lighted sports facility in the vicinity. Mr. Bartlam indicated that in coordination with Parks and Recreation Director Baltz, a one-page informational sheet about the park could be created and supplied to the developer for distribution.

Council Member Land asked whether it would be possible to make a climbing rock at the first tier level.

Jim Nelson did not recommend a climbing rock at that location because the area would receive a significant amount of low-flow repetitively during the winter. It will not drain until the Beckman Park site to the east is finished draining into the Woodbridge Irrigation District canal. It is possible that there would be standing water there frequently, and for prolonged periods of time.

Council Member Land suggested that crushed granite be considered for the pathways.

Mr. Postlewait explained that decomposed granite would not hold up well when underwater. Concrete was planned for all pathway areas subject to flooding. Decomposed granite could be considered for certain areas above grade.

Council Member Land questioned whether it might make more sense to flood the football and soccer fields in the southwest corner.

Mr. Postlewait reported that the steering committee made the determination about what the acceptable levels of risk were for the different fields. In accordance with their determination, the baseball fields will not be flooded very often. There will be infrequent flooding in the low-flow area and on the practice soccer and youth baseball fields.

Council Member Howard asked for how many years the DeBenedetti Park plan would cover the needs of the City, taking projected growth into consideration.

Mr. Baltz replied that DeBenedetti Park is referenced in the 1994 master plan and it made projections based on a grow out rate through 2007.

City Manager Flynn added that there is a lot of growth occurring in the county. Last week the county approved 307 new housing units in Lockeford. This type of impact will affect the City's recreation fields.

In response to Council Member Howard, Mr. Postlewait stated that he would provide an estimate of maintenance costs to the Council. He predicted that it would take one and a half years to complete the construction of the project; however, the dirt must be removed before construction can begin.

In reply to Mayor Pennino, Mr. Prima reported that Salas Park is 12 to 14 feet deep, and Beckman Park is 8 to 10 feet deep. He cautioned that the schedule proposed by Stantec considers only DeBenedetti Park; however, there are many other projects that need to be integrated.

Mayor Pennino expressed optimism that funding can be accomplished through the natural timeline that the projects will be built, and believed that \$1.5 million could be put aside this year.

Discussion ensued regarding fencing. Mayor Pennino preferred that at least one section (e.g. near Sage Way) of the park not be fenced to allow residents and their children unrestricted access.

Mayor Pennino concurred with Council Member Land about the aesthetic quality of crushed granite over concrete. He also suggested that the three-dimensional computer program of the park be incorporated into a video and used for public awareness purposes and shown by community sports organizations and on cable channel 30.

MOTION:

Council Member Land made a motion, Howard second, to approve the specific design element components and concept plan as presented for the DeBenedetti Park project.

DISCUSSION:

Council Member Nakanishi voiced support for Mayor Pennino's recommendation to have an unfenced area of the park.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

I-3 "Contract Change Order No. 2 for Aquatics Facility design for additional services"

Parks and Recreation Director Baltz reported that Contract Change Order No. 2 in the amount of \$279,030 is for design fees associated with the Aquatics Facility. The request for additional fees is based on decisions and direction made by Council. He noted that in the original contract the construction budget was estimated at \$2.7 million. It has since changed, and the change order is now presented for approval so that design work can continue.

In answer to Council Member Land, Mr. Baltz further explained that the increase is due in part because the pool size increased from 25 to 50 meters. The size of the facility increased from three to six acres. Programming was also clarified and included an additional 7,200 feet of recreational, instructional water and more parking. He commented that his research has indicated that design fees typically range from 8% to 13%.

City Manager Flynn added that ELS Architecture and Urban Design has reduced this change order amount by \$70,000. Staff had considered terminating the agreement; however, other design firms used the same subcontractors so the amount would not be significantly different. Staff has concluded that the total design price, including the contract change order, is reasonable for this type of service.

Council Member Land stated that as a good business practice, ELS should have told Council during its presentation that there would be a substantial increase in cost to develop the 50-meter pool concept.

Mr. Baltz noted that the original contract had a statement indicating that substantial changes in the estimated construction budget, or expansion of the project, may result in a request for additional services and fees.

In reply to Council Member Nakanishi, Mr. Baltz stated that with this change order, the design services amount to 9%.

Council Member Howard pointed out that the RFQ indicated that there could be a 50-meter pool involved in the project. She expressed concern that additional charges may be forthcoming.

Clarence Mamuyac, ELS Project Designer, stated that ELS was told to disregard the original plan and start from scratch, which meant working with the steering committee to define the concept design. He explained that the 50-meter pool also increased the size of building services for the pool equipment, restrooms, locker rooms, more concessions, party room activity space, and additional exterior landscaping. As soon as the scope was defined, ELS went back to its subcontractors to get their revised fees on the project. He noted that if the scope were to change again it would be fair to both ELS and the City to renegotiate a fee that would be commensurate with the scope change.

Mayor Pennino encouraged staff to keep an eye on ELS fees in the future, and commented that the Indoor Sports Center scope also changed, which will trigger a change order.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Howard second, approved the requested additional services Change Order No. 2 for Aquatics Facility design work for \$279,030, which would result in a total revised design appropriation of \$548,105. The motion carried by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

- I-4 "Adopt resolution awarding the asbestos abatement contract for 100 East Pine Street (approximately \$55,000)" was **pulled from the agenda pursuant to staff's request.**
- I-5 "Adopt resolution authorizing the City Manager to initiate the process for Finance Department relocation within the Civic Center, and execute contracts and purchases; and appropriate funds" was **pulled from the agenda.**

MOTION / VOTE:

The City Council, on motion of Council Member Land, Howard second, voted to reschedule the subject matter to a Closed Session/Special Meeting on May 21, 2002. The motion carried by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

- I-6 "Direction on participation in Mokelumne River Water and Power Authority"

Public Works Director Prima reported that the county made an application ten years ago on both the federal and state levels to pursue a water storage project either on the Mokelumne River or a project that would provide reservoir off stream. The time has come where they have to act on those applications and start spending money in terms of design

and environmental work. It may cost \$4 to \$5 million over the next couple of years. The county sent a letter requesting participation from other agencies. They also requested to have a policy level meeting with representatives from the entities. The first meeting was held May 1. Mr. Prima emphasized the importance of Lodi Council representation at these meetings. He warned that there will be a day when the City will want to have surface water and it will occur in a timeframe that we should be concerned about now.

Council Member Land stated that he was in full support of participating with the Mokelumne River Water and Power Authority.

Council Member Nakanishi stated that he will attend the meetings of the Authority during the remainder of his term on the Council.

In response to Council Member Howard, Mr. Prima explained that the Authority is currently composed of the Board of Supervisors. Three Supervisors act as the board and two act as the Flood Control and Water Conservation District. The bylaws of the Authority provide that new members would gain one seat. Mr. Prima believed that the entire structure should change if two other entities joined the Authority, i.e., the cities of Lodi and Stockton, and they were each contributing one third of the cost. This is an issue that would need to be discussed by the policy makers.

Mayor Pennino suggested that communication be forwarded to Supervisor Victor Mow, outlining Council's willingness to participate in developing policies, and will consider joining when more details are known.

Council Member Howard recommended that more meetings be held to develop policies, after which each of the cities could vote on whether or not to participate.

Mayor Pennino agreed with Ms. Howard's recommendation. He noted that Mayor Pro Tempore Hitchcock was previously selected as an alternate to attend meetings of the Authority.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Nakanishi second, authorized proceeding with exploring and formatting the Mokelumne River Water and Power Authority and designated Council Member Nakanishi as the representative.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Council Member Howard, Land second, voted to continue with the remainder of the meeting following the 11:00 p.m. hour. The motion carried by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

I. REGULAR CALENDAR (Continued)

I-7 "Adopt resolution electing to receive all or a portion of the tax increment revenues owed to the City of Lodi within Redevelopment Project Area No. 1 pursuant to Health and Safety Code Sections 33676 and 33607.5"

Community Development Director Bartlam reported that the Redevelopment Agency receives funds by virtue of increment and property taxes that are collected by improvements in the area. The City of Lodi is one of the taxing entities that receives a portion of that property tax. Lodi receives approximately 16% of the property tax collected today. If Council approves the action requested under this item, it passes through the proportional amount of increment generated by the Agency back to the City. It is proportionate to what the balance of the taxing entities would also receive. Because the Council also acts as the Redevelopment Agency it can elect not to receive it, in which

case the increment would go to the Agency instead. He stated that most cities elect to receive their proportionate share of the increment. In all of the Agency's financial projections, staff assumed that the City would receive the increment pass through as well.

In answer to Council Member Land, Mr. Bartlam explained that when the project area is adopted there is a base year frozen of property tax that goes within the project area. There are nine different taxing entities that take 100% of that property tax. The City receives 16% of that base year. When the Agency is finalized, that frozen base year becomes year zero. From that point on, 20% of the increment that is generated goes to the taxing entities, and 80% goes to the Redevelopment Agency. If action under this item is approved, 16% of the City's pass through (which for increment purposes would be 16% of 20% of the increment, or approximately three cents on the dollar) would flow to the general fund as opposed to the Agency.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Nakanishi second, adopted Resolution No. 2002-105 electing to receive all or a portion of the tax revenues owed to the City of Lodi within Redevelopment Project Area No. 1 pursuant to Health and Safety Code Sections 33676 and 33607.5. The motion carried by the following vote:

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

Noes: Council Members – None

Absent: Council Members – Hitchcock

I-8 "Consideration of various matters pertaining to the November 5, 2002 General Municipal Election:

- a) Resolution calling and giving notice of the holding of a General Municipal Election
- b) Resolution approving entering into a contract with the County of San Joaquin for the County Registrar of Voters to provide certain services
- c) Resolution regarding impartial analyses, arguments, and rebuttal arguments for any measure(s) that may qualify to be placed on the ballot
- d) Resolution adopting regulations pertaining to the candidates' statements
- e) Ordinance determining that there will be a \$25 filing fee charged for the processing of candidates' nomination papers"

City Clerk Blackston reported that Item I-8 pertains to the upcoming General Municipal Election and, pursuant to the California Elections Code, several actions and decisions must be made by the City Council prior to the opening of the nomination period. She outlined each of the five actions and recommended that Council approve charging candidates for the actual costs associated with printing and translating candidate's statements of qualifications. She reported that the cost for candidate's statements in English and Spanish has doubled from the previous election, and is now estimated at \$1,205 each. The County Registrar of Voters has attributed the rising cost to reapportionment and resulting multiple ballot types. Ms. Blackston pointed out that candidate's statements are not required, the cost of printing the statements is a justifiable campaign expense, and for individuals unable to pay the associated costs in advance, the Elections Code contains an indigency provision. In addition, Ms. Blackston informed Council that the Registrar of Voters is anticipating a federal ruling in the near future that will likely require bilingual and possibly require multi-lingual ballots in San Joaquin County, which will increase costs even further. Ms. Blackston also recommended that Council approve the introduction of an ordinance determining that there will be a \$25 filling fee charged for the processing of candidate's nomination papers to offset some of the associated costs.

Council Member Land stated that the City has traditionally paid for the cost of printing and translating candidate's statements. He believed that the high cost could be difficult for some candidates to pay.

Council Member Nakanishi stated that he wanted to encourage participants and if the City can afford it, the fee for the candidate's statement should not be imposed.

In answer to Council Member Nakanishi, Ms. Blackston reported that out of 75 cities surveyed, the following nine cities do not charge candidates for the cost of printing their candidate's statements: Cupertino, Foster City, Gilroy, Napa, Palo Alto, Roseville, San Bruno, Winters, and Yountville.

Council Member Howard believed that it was important for the City to attract candidates to run for City Council and that the City should pay for some of the costs.

Council Member Nakanishi voiced support for raising the word limitation for candidate's statement from 200 to 400.

Mayor Pennino preferred to keep the word limit at 200. He suggested that Council readdress the fee issue next year. He indicated that he would support the City paying for printing the statements in English only and allow the candidate to decide whether or not to have it translated.

MOTION / VOTE:

The City Council, on motion of Council Member Howard, Nakanishi second, took the following actions by the vote shown below:

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

- Adopted Resolution No. 2002-106 entitled, "A Resolution Of The City Council Of The City Of Lodi, California, Calling And Giving Notice Of The Holding Of A General Municipal Election To Be Held In The City On Tuesday, November 5, 2002 For The Election Of Certain Officers Of The City As Required By The Provisions Of The Laws Of The State Of California Relating To General Law Cities";
- Adopted Resolution No. 2002-107 entitled, "A Resolution Of The City Council Of The City Of Lodi, California, Requesting The Board Of Supervisors Of The County Of San Joaquin To Render Specified Services To The City Relating To The Conduct Of A General Municipal Election To Be Held Tuesday, November 5, 2002";
- Adopted Resolution No. 2002-108 entitled, "A Resolution Of The City Council Of The City Of Lodi, California, Setting Forth The Council's Policy Regarding Impartial Analyses, Arguments, And Rebuttal Arguments For Any Measure(s) That May Qualify To Be Placed On The Ballot For The November 5, 2002 General Municipal Election"; and
- Introduced Ordinance No. 1712 entitled, "An Ordinance Of The Lodi City Council Adding Section 1.12.030 To The Lodi Municipal Code Determining That There Will Be A Filing Fee Of \$25 Charged For The Processing Of Candidate's Nomination Papers."

Further, the City Council, on motion of Council Member Nakanishi, Howard second, adopted Resolution No. 2002-109 entitled, "A Resolution Of The City Council Of The City Of Lodi, California, Adopting Regulations For Candidates For Elective Office Pertaining To Candidates Statements Submitted To The Voters At An Election To Be Held On Tuesday, November 5, 2002," which sets forth that no charge shall be levied to the candidates for the printing, handling, translation, and mailing of the candidates' statements. The motion carried by the following vote:

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

J. ORDINANCES

None.

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

- Council Member Howard stated that she had the opportunity to read at Sutherland Elementary School as part of Reading Celebration Week. She thanked Mrs. Mettler's class and student Phillip who escorted her from the office to the classroom, as well as Principal Ron Hashisaka. She enjoyed participating with the Lodi Salvation Army and Postal Services kick off for their canned food drive. She thanked Postmaster Boyd Lambertson, Coordinator Amanda Solway, and Robert Livenspager, President of the Union, and also Kevin Woods and Frank Severs with the Lodi Salvation Army.
- Council Member Nakanishi reported that three weeks ago he attended an event in Tracy for the ACE Train where Mayor Pennino gave a presentation as Chairman of the Rail Commission. The train station in Tracy now has a monument with three handprints from Congressman Pombo, Congressman Petri, and Mayor Pennino.
- Council Member Land commented on the excellent Police Memorial Service. He thanked First Temple Baptist Church for allowing the service to be held at its church. Over 200 officers were recognized.

He was unable to attend the recent meeting with the Downtown Lodi Business Partnership (DLBP); however, he met with Lew VanBuskirk, DLBP Executive Director, and Peter Westbrook, President. He stated that he was very impressed with what is happening in the downtown area and what the DLBP is providing. He believed that the City owed the DLBP the \$22,500 that it is requesting for collection services it provided over the past three years. In addition, he suggested that Council consider reimbursing the \$35,000 of uncollected assessment fees.

He thanked Deputy City Manager Keeter for keeping Council updated on the status of SB1717; however, he expressed his disappointment that it went through the Senate without amendments.

He announced the May 3 birth of his eighth grandson Colby Vernon Land who he will be seeing for the first time in Texas on June 13.

- Mayor Pennino asked Council Members to review their committee assignments and submit any requests for changes to the City Clerk for placement on a future agenda. He hoped that by the end of the year, funding could be approved for the many pending City projects. He asked that the Shirtsleeve Session on the topic of capital projects be delayed one week so that all five Council Members can be present. He asked that Council Member Land Chair next week's Shirtsleeve Session.

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

- City Manager Flynn announced that Tony Goehring and Joanne Narloch's birthdays are tomorrow.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:26 p.m.

ATTEST:

Susan J. Blackston
City Clerk