

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 5, 2002**

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of June 5, 2002 was called to order by Mayor Pennino at 7:03 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 Ken Levy, Heartland Community Church.

C. PLEDGE OF ALLEGIANCE

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 Natalie Reyes, event coordinator, proclaiming Sunday, June 9, 2002 as "Race Unity Day" in the City of Lodi.

Ms. Reyes stated that since the 1900s, members of the Baha'i faith throughout the United States have held picnics and meetings to promote racial understanding. She introduced Ralph Nevill, Irv Penner, and Jeannie Cory.

D-3 (a) Following introduction by Sondra Huff, Senior Electric Utility Rate Analyst, Mayor Pennino presented a Certificate of Recognition to the following Tokay High School Science Bowl team members for their participation in the U.S. Department of Energy National Science Bowl competition in Washington D.C.

Coach: Dr. Janwyn Funamura

Team Members: Daniel Brown, Joshua Funamura, Robert Radacio, Sherman Yue, and Aaron Santos

D-3 (b) Following introduction by Senior Electric Utility Rate Analyst Huff, Mayor Pennino presented a Certificate of Recognition to the following Lodi Electric Utility teams that participated in the Lineman's Rodeo on May 18, 2002, which was held at the Los Angeles Department of Water and Power's training center in Sun Valley, California.

1st Place – Hurt Man Rescue: Earl Holley, Ed Fitzpatrick, and Ken Enzi

2nd Place – Dead End Bell Change Out: Earl Holley, Ed Fitzpatrick, and Ken Enzi

3rd Place – Pole Climb: Chris Daniell, Aaron Ebo, and Bill Dolstra

D-3 (c) Mayor Pro Tempore Hitchcock presented a Certificate of Appreciation to Ernie Boutté with Pacific Gas & Electric (PG&E) Company for its many community contributions.

D-3 (d) Police Chief Adams presented the following Police Awards:

Chief's Award	Arnold Chin
Citizen's Service Award	Keith Land
Employee of the Year	Carla Cole
Medal of Valor	Brian Freeman
Medal of Valor	Ken Slater
Medal of Valor	Scott Bratton
Medal of Valor	Steve Price
Meritorious Service	Frank Grenko
Meritorious Service	Tom Harper
Officer of the Year	Steve Carillo
Volunteer of the Year	Janet Wilcox

D-3 (e) Bob Johnson, Chairman of the Lodi Parks and Recreation Commission, distributed and reviewed a partial listing of Parks and Recreation accomplishments in 2001-02 (filed). He stated that the commission believes all youth in the community should be water safe; however, there is inadequate pool space to conduct swimming lessons. He asked Council to discuss with Lodi Unified School District (LUSD) the possibility of allowing the City additional time for use of the high school swimming pools next year. In addition, he reported that the Grape Bowl is in need of major renovations and the Commission hopes to make improvements through a community project effort.

Council Member Land suggested that the request for additional high school pool time by the City for basic swimming lessons take place at the next 2x2 meeting with LUSD.

E. CONSENT CALENDAR

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

- E-1 Claims were approved in the amount of \$8,919,421.13.
- E-2 The minutes of April 17, 2002 (Regular Meeting), April 30, 2002 (Shirtsleeve Session), April 30, 2002 (Special Meeting), May 1, 2002 (Regular Meeting), May 7, 2002 (Shirtsleeve Session), May 14, 2002 (Shirtsleeve Session), May 14, 2002 (Special Joint Meeting with the Downtown Lodi Business Partnership), May 21, 2002 (Shirtsleeve Session), and May 21, 2002 (Special Meeting) were approved as written.
- E-3 Approved the specifications for 125 post-top (globe) luminaires and authorized advertisement for bids.
- E-4 Adopted Resolution No. 2002-112 authorizing the purchase of 125 "Lodi Replica" concrete street light standards from the sole supplier, NCS Company, of Auburn, California, representing Traditional Concrete, Inc., in the amount of \$142,488.55.
- E-5 Adopted Resolution No. 2002-113 awarding the contract for Well 26 Enclosure, 1020 Bridgetowne Drive (Katzakian Park), to DC Builders, of Stockton, in the amount of \$35,000; and appropriated \$42,000 for the project.
- E-6 Adopted Resolution No. 2002-114 authorizing the purchase of a Liebert Nfinity uninterruptible power supply to replace the City's existing unit, from Carr Electric, of Stockton, in the amount of \$16,110.09.
- E-7 Adopted Resolution No. 2002-115 accepting the enclosure, landscaping, and irrigation improvements in the Millsbridge/Tienda Drive Lift Station, 2000 Tienda Drive.
- E-8 Accepted improvements under the "Lower Sacramento Road Utilities, Kettleman Lane to Turner Road" contract.
- E-9 Adopted Resolution No. 2002-116 approving the final map for Century Meadows Four, Unit No. 2, Tract No. 2694; directed the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City; and appropriated \$7,600 for the required reimbursement.
- E-10 "Adopt resolution amending Traffic Resolution #97-148 by approving the removal of the time-limit parking restriction on Almond Drive west of Cherokee Lane at Almondwood Place" was **removed from the Consent Calendar and discussed and acted upon following the approval of the Consent Calendar.**

Continued June 5, 2002

- E-11 Adopted Resolution No. 2002-117 authorizing the one-year renewal of a service maintenance contract for the City's Wide Area Network premise equipment through WAN/LAN Solutions, of Roseville, in the amount of \$12,392.00.
- E-12 Adopted Resolution No. 2002-118 authorizing the City Manager to execute a professional services agreement with IMServ to provide load shape information for large industrial electric customers through an Internet Web-based service.
- E-13 Adopted Resolution No. 2002-119 approving the application to apply for grant funds for the California Environmental Protection Agency, Waste Tire Playground Cover Grant.
- E-14 Adopted Resolution of Intention No. 2002-120 to abandon a portion of the public utility easement in the former Beckman Road alignment; referred the matter to the Planning Commission; and set a public hearing for July 3, 2002.
- E-15 Set public hearing for June 19, 2002 to consider an appeal from tenant Pablo Palaganas Sr. regarding Notice and Order to Vacate issued for the property located at 305 E. Maple, Lodi.
- E-16 Adopted Resolution No. 2002-121 authorizing the City Manager to receive confidential sales and use tax information applicable to the City of Lodi from the State Board of Equalization as required by Revenue and Taxation Code Section 7056 and to rescind prior Resolution No. 91-39.

ACTION ON ITEM REMOVED FROM THE CONSENT CALENDAR

- E-10 "Adopt resolution amending Traffic Resolution #97-148 by approving the removal of the time-limit parking restriction on Almond Drive west of Cherokee Lane at Almondwood Place"

PUBLIC COMMENTS:

- Steve Neely, President of the Almondwood Board Association, urged Council to approve the action requested under Item E-10 to allow adequate space for refuse pick up and improve visibility for residents exiting the complex.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Hitchcock, Howard second, unanimously adopted Resolution No. 2002-122 amending Traffic Resolution #97-148 by approving the removal of the Tuesday 5 p.m. to Wednesday 5 p.m. parking restriction on Almond Drive in front of Almondwood Place.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

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 an appeal from Chris and Pauline Gianulias regarding Notice and Order to Repair issued for property located at 100 North Cherokee Lane, Lodi.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Nakanishi second, unanimously opened and continued the subject public hearing to the regular City Council meeting of July 17, 2002.

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, Hitchcock second, unanimously rejected the following claim:
a) Bernice E. Willey, date of loss 12/10/01
- H-2 **Reports: Boards/Commissions/Task Forces/Committees – None**
- H-3 Appointments – None
- H-4 Miscellaneous – None

I. REGULAR CALENDAR

- I-1 "Adopt resolution ratifying the San Joaquin Council of Governments' Annual Financial Plan Implementation for Fiscal Year 2002/03"

Steve Dial, Director of Administration, Chief Financial Officer for the San Joaquin Council of Governments (SJCOG), reviewed its annual plan for the 2002-03 fiscal year. Their \$4.2 million operating budget has decreased 23.8% from the previous fiscal year. The SJCOG has fiduciary responsibility over approximately \$177 million of federal, state, and local funds. The most significant budget reduction was in professional services. The SJCOG has a staff of 26. Approximately half of the \$1 million federal grant from the Department of Education for the San Joaquin Reads Program has been spent. In addition there have been other state and federal grants that have either come to conclusion or have been spent down significantly.

MOTION/ VOTE:

The City Council, on motion of Council Member Land, Howard second, unanimously adopted Resolution No. 2002-123 ratifying the SJCOG Annual Financial Plan Implementation for Fiscal Year 2002/03.

- I-2 "Presentation of the San Joaquin Housing Authority's Annual Report"

Antonio Pizano, Executive Director of the San Joaquin Housing Authority, reported that with a loan from Farmers and Merchants Bank, the Authority recently acquired and rehabilitated a six-unit rental complex in Lodi at 719 S. Washington Street. The Housing Authority manages 1,100 units of public housing, primarily in Stockton. Last year the Authority launched the Lodi Revitalizing Existing Neighborhoods and Extending the Workforce (RENEW) project. It is a partnership between the San Joaquin Human Services Agency and the City of Lodi, which provides training to welfare-to-work participants in the construction of new single-family homes. Through this program a home at 322 ½ E. Flora Street was built. Mr. Pizano thanked Council Member Land for serving on the Housing Authority.

Council Member Land reported that the Authority also has 4,000 Section 8 vouchers and there are 4,000 more individuals on a waiting list for Section 8 housing.

In answer to Council Member Nakanishi, Mr. Pizano stated that the Authority's annual revenue varies. In the last couple of years public housing subsidies have been reduced. He explained that Section 8 is a rent subsidy in which recipients pay 30% of their income for rent, and the difference is paid directly to the landlord. The Authority receives approximately \$18 million a year for Section 8.

Council Member Land added that the Authority administers a Family Self Sufficiency program that offers credit counseling, training on job resume writing, and first-time home buyer opportunities.

Mayor Pro Tempore Hitchcock noted that rents in the local area continue to rise and resident's income is not keeping up with the housing market. She asked Mr. Pizano what he anticipants during the next five to ten years.

Mr. Pizano replied that the influence of the Bay Area has affected the current housing market. A solution will require a combination of efforts and resources working together. Building new apartments to provide affordable housing would only work if tax exempt bond financing were offered to private developers who would in return set aside a small percentage (typically 20%) of the units to individuals who have some kind of rental assistance. Housing Authorities can offer multi-family mortgage revenue tax exempt bonds with lower interest rates; however, it is a lengthy process.

MOTION / VOTE:

Information only – no Council action required.

RECESS

At 8:35 p.m., Mayor Pennino called for a recess and the City Council meeting reconvened at 8:48 p.m.

I. REGULAR CALENDAR (Continued)

I-3 "Presentation by the 95th Weapons of Mass Destruction Civil Support Team"

Janet Hamilton, Management Analyst, recalled that after last September's tragedies in New York and Washington D.C., former Mayor Nakanishi asked staff to research what type of services are available for emergency situations. As a result the Lodi All Emergency Preparedness Expo was held in April at which the 95th Weapons of Mass Destruction Civil Support Team participated.

Lt. Darryn Cox reported that the 95th Civil Support Team came into concept in 2000. The Team is based in Hayward and is deployable within a 250 mile radius of the San Francisco area and throughout the United States if called to do so. It consists of 22 full-time members of the National Guard. The soldiers receive 1,800 hours of training and are available 24 hours a day, seven days a week. One of the Team's main capabilities relates to nuclear biological chemical response, at which they advise, assess, and facilitate the incident commander. They have a four-hour response time and have a microbiologist and physician's assistant on staff. He reviewed the Team's equipment, technology, and communication capability.

In response to Mayor Pro Tempore Hitchcock, Lt. Cox explained that there is a formal process in which the Team is deployed and, when called to do so, there is a cost involved.

City Manager Flynn noted that such costs are reimbursable when there is a national emergency or incident.

Council Member Nakanishi reported that he attended a conference last May on the topic of weapons of mass destruction. Upon his return he spoke with the City Manager about his concerns and found out that Lodi and its Police and Fire Departments are prepared for emergency situations, as is the Office of Emergency Preparedness in California.

In reply to Mayor Pro Tempore Hitchcock, Police Chief Adams reported that the Department of Justice is currently working with the Federal Emergency Management Agency (FEMA) and there may be \$530 to \$600 million dollars available for emergency preparedness, of which 75% will go to counties and cities.

MOTION / VOTE:

Information only – no Council action required.

- I-4 "Adopt resolutions certifying Negative Declaration and awarding contract for new police building (approximately \$11,500,000); and appropriate funds for the project"

Public Works Director Prima reported that the price for the new police building represents \$189 per square foot. Staff's recommendation is to certify the negative declaration, award the contract for \$10,894,000, and appropriate \$12,400,000 for the remainder of the project. He noted that staff already has an appropriation for some of the design and acquisition work. The \$120,000 cost to relocate tenants was not in the original estimate.

In response to Council Member Land, Community Development Director Bartlam reported that the project involves the removal of three residential structures. The new police building will be over 50,000 square feet in an area that was a combination of single-family residential and office. The balance of the required issue areas (e.g. cultural resources, hazards, water, air quality, etc.) of the California Environmental Quality Act were not of a significant nature. The new police building will be an extension of the civic center. The City had owned a number of parcels in this area for some time. Relocation of tenants is nearing completion, some of which will be using the proceeds of their relocation assistance to buy their own homes. The existing street network has already demonstrated its ability to handle emergency services, traffic, and parking. Mr. Bartlam stated that he was pleased with the efforts of the architects and design team for the high quality and aesthetic value of the public building. Referencing noise considerations, Mr. Bartlam reported that the noise from one side of Elm Street to the other is virtually identical, so there were no significant issues by constructing a building across the street from where it is today.

Council Member Land asked whether anything has been left out of the cost estimate for the new police building.

Mr. Prima confirmed that staff has been thorough and he expressed confidence that the project would stay within budget.

In reply to Mayor Pro Tempore Hitchcock, Mr. Bartlam explained that the light fixtures orient the light in vertical manner, which will minimize glare impacts.

In answer to Council Member Nakanishi, Gary Wiman, Construction Project Manager, confirmed that he checked the references of McCarthy Construction and noted that they recently completed a \$14 million civic center complex for the City of Roseville.

Council Member Howard pointed out that the "blue sheet" (filed) references six bid alternatives.

Mr. Prima replied that the bid alternatives were developed from staff and the architect as the project progressed, as well as a value engineering exercise that was conducted toward the end of the project.

MOTION #1 / VOTE:

The City Council, on motion of Mayor Pro Tempore Hitchcock, Howard second, unanimously adopted Resolution No. 2002-124 certifying the Negative Declaration as adequate environmental documentation for the new police building.

MOTION #2 / VOTE:

Further, the City Council, on motion of Council Member Nakanishi, Land second, unanimously adopted Resolution No. 2002-125 awarding the contract for the new police building to McCarthy Construction, of Sacramento, in the amount of \$10,894,400; and appropriated funds in accordance with staff recommendation.

- I-5 "Provide policy direction regarding acceptance of winery wastewater at White Slough Water Pollution Control Facility from outside City limits"

Public Works Director Prima reported that due to recent State Regional Water Quality Control Board regulations, before the County will issue a building permit to wineries, it is now requiring that they either get a state permit or a letter from a public agency agreeing to accept their winery wastewater. A state permit costs \$40,000 to \$60,000 depending on the size of the operation. Mr. Prima stated that if the winery waste is of a small enough volume that it would not change the characteristics of the City's total industrial waste flow, it may be possible to land apply it; however, concurrence from the Regional Board would be necessary. He stated that staff is reluctantly recommending approval from Council to accept winery wastewater and develop policies and procedures to mitigate the impacts and establish charges. Further, he recommended that the number of wineries be limited for the first year to allow staff an opportunity to monitor, schedule, and gather data on quantities and strengths.

Mayor Pennino stated that if the policy is implemented the charge should be above the existing rate to make it cost effective.

In reply to Council Member Howard, Mr. Prima reported that letters requesting winery wastewater acceptance have been received by Public Works from three wineries. Regarding boundaries, Mr. Prima stated that options are to use the existing septic waste area or the Lodi Appalachian boundaries, which extend outside the county.

Council Member Howard stated that she had spoken with Bob Hartzell owner of Harmony Wynelands and attended a meeting on this topic with Supervisor Jack Seiglock a few months ago at the Carnegie Forum. She felt it would be appropriate to limit the wastewater acceptance to boutiques and small wineries.

Council Member Land voiced support for the wineries and disposal of their wastewater into the City's treatment plant. He pointed out that a similar situation took place over the septic tank disposal issue. The County had initially promised it would move forward on a plan to develop a wastewater treatment plant for county use; however, once the City began accepting the septic waste, the County felt there was no longer a need for the plant. He noted that a letter was received from Pacific Cost Producers urging the City not to allow activities that would impact the existing industrial water disposal system or its capacity.

Mr. Prima explained that the winery waste would be accepted into the domestic system, which would have no impact to the industrial side.

Mayor Pro Tempore Hitchcock stated that while she greatly appreciates the wine industry in Lodi and supports the Conference and Visitors Bureau, she is opposed to this proposal because it is the County's responsibility. She felt that this action would set a dangerous precedence. Accepting the winery wastewater would also be unfair to the citizens of Lodi who are paying for the treatment plant. The plant's master plan did not include an area outside Lodi. She asked Council to delay approving this item until feedback is received regarding this proposal, which in effect, gives away capacity that belongs to the citizens and businesses of Lodi. In addition, she did not believe it was equitable to chose one industry over another or limit the number of wineries if it is decided to accept the wastewater.

Council Member Nakanishi supported the proposal noting that the discharge would only amount to 1% of the domestic system and there would be minimal liability. He pointed out that the Lodi-Woodbridge Winegrape Commission contributes significantly to Lodi.

Council Member Land asked if Council, the wine industry, and the Lodi-Woodbridge Winegrape Commission could discuss with the Board of Supervisors the need for the County to develop its own wastewater treatment plant.

Mayor Pennino suggested that the County work jointly with the City on expanding its wastewater facility.

Council Member Howard concurred with the Mayor and noted that while some of the wineries are located in the county, Lodi benefits from them.

City Manager Flynn questioned how realistic the suggestion was to ask the County for assistance with a treatment plant expansion, considering that the County has habitually agreed to assist with many other issues such as the library and various sports programs; however, it invariably has ended up not participating.

Mayor Pennino pointed out that the County handles social programs for citizens of the Lodi community.

Mayor Pro Tempore Hitchcock stated that if the City is to begin accepting the wineries' wastewater, it should consider annexing the property and start collecting property and sales tax and development impact fees.

PUBLIC COMMENTS:

- Bob Hartzell, Harmony Wynelands, commended Public Works Director Prima and City staff for being cooperative. He asked the Council to approve staff's recommendation and authorize a "will serve" letter for acceptance of his winery's wastewater so that he can obtain a building permit from the County.
- Mark Chandler, Executive Director of the Lodi-Woodbridge Winegrape Commission, reported that the wine industry is being developed with brands and boutiques, and is drawing tourists, employing more people, selling wine in Lodi stores, and generating a tremendous tax revenue base for the community. He pointed out that it is not the County causing this problem, it is the State Regional Water Quality Control Board who did not enforce the regulations until just recently. He believed that Lodi accepting the wineries' wastewater would be an interim solution. Mr. Chandler reported that the Lodi Appalachian is under review by the federal government and the boundaries may change within the next 12 to 18 months. He suggested that for the City's purpose, it use the broader Winegrape Commission boundary (Crush District 11). He explained that boutique wineries produce up to 3,600 gallons of wine and small wineries produce up to 36,000 gallons. Mr. Chandler recommended that rather than limit the number of wineries, the City select a limit on the number of gallons it will accept and allow it on a first-come, first-served basis.
- Craig Rous, Bear Creek Winery, reported that the wine industry is funding a research project this harvest that is going to measure the effects of land application of winery process water and how much land it will take to disperse the components in it. The intent is to measure for large, small, and boutique wineries. The end result will be a general order from the Regional Water Quality Control Board that will provide guidelines that small and boutique wineries can use to develop their permit. Currently there is no distinction between winery sizes. Mr. Rous believed that once they receive the general order (in three to five years) there will no longer be a need for the City to accept wastewater from the small and boutique wineries. He reported that there is only five gallons of process water per gallon of wine, so there should be no concern about the impact on White Slough or land application.
- Greg Burns, Jessie's Grove Winery, stated that his winery will produce 64,000 gallons this year. They will be installing a \$60,000 wastewater system at their facility. He urged Council to approve the acceptance of winery wastewater from small and boutique wineries to allow them an opportunity to secure and advance what they have worked so hard to achieve, without it, they will have no discharge capability.

Council Member Land calculated that five small wineries would produce approximately 720,000 gallons of wastewater and he suggested that Public Works use this figure as a limit.

Mr. Prima explained that the problem is not the total amount over the course of a year, it is the daily loading issue. Staff is suggesting that they develop policies, procedures, and a permit process that will limit the deliveries on a daily basis. They will then report back to Council in one year regarding how much they have received, any issues that developed, and provide a recommendation on whether to continue its acceptance.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Howard second, authorized the Public Works Director to accept winery wastewater at the White Slough Water Pollution Control Facility from outside the City limits and establish time limits and charges per the Lodi Municipal Code, and directed staff to prepare appropriate letter(s) to the county regarding acceptance of winery waste and report back to the City Council. 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-6 “Authorize staff and two Council Members to explore future action regarding consolidation and contracting service options with the Mokelumne Rural Fire District”

Fire Chief Pretz reported that last March the Fire Chief of the Mokelumne Rural Fire District asked him whether the City of Lodi would be interested in creating a contract for consolidation with the District. Chief Pretz recommended that he and two Council Members enter into discussions with the District about the possibility and bring the matter back to Council and the Mokelumne Fire Protection Board for a final decision.

Mayor Pro Tempore Hitchcock preferred that the entire Council be involved in all discussions regarding this important matter.

Council Member Nakanishi concurred with Ms. Hitchcock and added that the City has too many large projects underway at this time and should defer consideration of this matter until next year.

MOTION #1 / VOTE:

The City Council, on motion of Council Member Howard, Land second, authorized staff and two Council Members to explore future action regarding consolidation and contracting service options with the Mokelumne Rural Fire District. The motion carried by the following vote:

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

MOTION #2 / VOTE:

Further, the City Council, on motion of Council Member Land, Howard second, appointed Council Member Howard and Mayor Pro Tempore Hitchcock to the Mokelumne Rural Fire District Task Force. The motion carried by the following vote:

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

- I-7 "Approve amendment #1 of the joint use agreement for reciprocal use of public facilities between the Lodi Unified School District and the City of Lodi"

Parks and Recreation Director Baltz reported that the amendment to the joint use agreement for reciprocal use of public facilities adds the Library Community Room and Carnegie Forum from the City, and the Education Support Center from Lodi Unified School District (LUSD). It adjusts the dates by which the parties must confer and confirm any requested adjustments to fees and establishes an amount of \$20,000 or greater difference in annual quarterly statement sums before any money is exchanged between the two parties. Mr. Baltz stated that it is difficult to predict whether this stipulation will benefit one party or the other, particularly with the use of the Tokay High School pool. Last year the billings from the City to LUSD on the quarterly statements amounted to \$45,074.10. The billings from LUSD to the City totaled \$60,028.55, of which \$40,000 was for the use of the Tokay High School swimming pool.

Council Member Land noted that LUSD has offered to forgive that balance.

At the request of Mayor Pro Tempore Hitchcock, Deputy City Manager Keeter explained that Hutchins Street Square was not included in the joint use agreement because large events, weddings, and receptions require more scheduling flexibility. Community Center Director Lange has indicated that staff does work closely with LUSD in partnerships and in many cases offers use of the facility at no cost.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Hitchcock second, unanimously adopted Resolution No. 2002-126 authorizing the City Manager to execute Amendment #1 of the Joint Use Agreement for Reciprocal Use of Public Facilities between the Lodi Unified School District and City of Lodi.

J. ORDINANCES

- J-1 Ordinance No. 1710 entitled, "An Ordinance Of The Lodi City Council Amending Lodi Municipal Code Chapter 13.20, Electrical Service, By Amending Section 13.20.200, Residential SHARE Program Service" having been introduced at a regular meeting of the Lodi City Council held May 15, 2002 was brought up for passage on motion of Mayor Pro Tempore Hitchcock, Land second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

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

- J-2 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" having been introduced at a regular meeting of the Lodi City Council held May 15, 2002 was brought up for passage on motion of Mayor Pro Tempore Hitchcock, Nakanishi second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

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

J-3 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 Candidates' Nomination Papers" having been introduced at a regular meeting of the Lodi City Council held May 15, 2002 was brought up for passage on motion of Council Member Land, Hitchcock second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

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

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

- Council Member Nakanishi reported that he visited the animal shelter last week and suggested that each Council Member do so. He stated that it is atrocious, overcrowded, and in terrible condition. He read from a letter submitted by Barbara Steinheimer who described Lodi's animal shelter as inhumane and unacceptable. He encouraged Council to support the new animal shelter project.
- Council Member Howard announced that she participated in the following events:
 - Heritage Elementary School's parking lot dedication. She thanked Electric Utility Department employees who brought a truck to the event, and Stephens Construction for donating time and equipment to the project.
 - Celebration of the Loel Garden Center, which can be rented for weddings and other special events.
 - Washington Mutual Bank's grand opening and ribbon cutting.
 - California Police Officers Association (CPOA) in Sacramento, at which Lodi Police Officer Dennis Lewis was recognized for his work with Lodi Adopt-A-Child.
- Council Member Land commented on the following:
 - He congratulated Officer Dennis Lewis for receiving an award from CPOA.
 - Cynthia Haynes, Community Promotions Coordinator, and the Foundation did an excellent job on the All Veterans Plaza dedication event.
 - The draft Northern California Power Agency (NCPA) budget is available for review.
 - He thanked City Clerk Blackston for a great job in setting up and decorating the City Council booth at the Celebration on Central event. Completed voter registration forms from 26 individuals were received and many more were distributed.
 - He thanked the City Manager, Police Chief, and Council for the Citizen's Service Award he received tonight and noted that the real heroes were the police officers and firefighters.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

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

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

- Mayor Pro Tempore Hitchcock stated that she participated as a judge in the cat show at the Animal Friends Connection Annual Pet Fair, as well as Mayor Pennino's wife Melanie and City Clerk Blackston. In addition, she noted that the City's impact fees were grossly underestimated and asked that they be updated on an annual basis as the policy stipulates.

Public Works Director Prima reported that in January an automatic escalation based on the Engineering News Record Index was adopted. Focusing on specific projects could take place in the next update.

Mayor Pennino suggested that a Shirtsleeve Session on the topic be held in the future.

- Mayor Pennino stated that over the past 12 years he has had the opportunity to represent the citizens of Lodi as their Council Member. During these 12 years the City has undertaken several projects including the downtown revitalization, Cherokee Lane improvements, Hutchins Street Square, a 2% growth limit policy, and enhancing parks and recreation programs. These have all been accomplished while balancing the budget. In addition to his City responsibilities he has worked on several regional projects such as the Habitat and Open Space Plan, the Regional Rail Commission, the Altamont Commuter Express, and the San Joaquin Partnership. He stated that over the past several months he has often considered whether or not to run for reelection or step down from the Council. He announced that he would be asking the citizens for another term on the Council. He believed that the next several years would provide exciting opportunities for the City due to the new police facility, the indoor sports center, the animal shelter, the aquatics center, DeBenedetti Park, remodeling of the public safety building, and the next phase of downtown revitalization from Main Street eastward. In addition there are several other regional projects that have not been completed, such as the landowner perpetuity. He stated that the projects will be challenging over the next several years, to which he looked forward to, and hoped the citizens would allow him to work on.

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

- City Manager Flynn made the following announcements:
 - He will be attending the American Public Power Association (APPA) conference in Dallas, Texas from Saturday through Wednesday next week.
 - Next week's Shirtsleeve Session topic will be the City's fund balance, at which Deputy City Manager Keeter and Ruby Paiste, Accounting Manager, will give the presentation.
 - Recently an item in the newspaper implied that the Mayor had talked about raising taxes. Mr. Flynn stated that he himself has made that suggestion; however, no one presently on the Council has ever discussed raising taxes and has in fact always discouraged it. Mr. Flynn stated that staff has been looking at the possibility of projects being at two levels, i.e., basic and enhanced. The enhanced version would be 10% greater, for which private donations would be sought.
 - He sent an e-mail message to Council today regarding Cherokee Lane closure. The matter will not be brought forward unless a Council Member requests it.
 - June 12 is City Clerk Blackston's birthday.
 - On June 13 Human Resources Director Narloch will be sworn in as an attorney by Judge Warner at the Carnegie Forum.
 - Staff intends to bring the topic of a greenbelt back to Council for discussion.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:10 p.m.

ATTEST:

Susan J. Blackston
City Clerk