

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, DECEMBER 4, 2002**

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of December 4, 2002 was called to order by Mayor Pennino at 7:04 p.m.

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

Absent: Council Members – None

Vacancy: Council Members – Nakanishi (*resigned 12/2/02*)

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

B. INVOCATION

The invocation was given by Pastor Mari Thorkelson, St. Paul's Lutheran Church.

The Lodi Academy choir, led by Robert Tan, performed "*The National Anthem*."

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pennino, followed by the Lodi Academy choir's performance of "*God Bless America*."

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 (a) Mayor Pennino presented the Mayor's Community Service Award to Loreine Kettelman for giving her time tirelessly during the past seven years by picking up garbage and debris along Ham Lane, between Tokay Street and Kettleman Lane. Ms. Kettelman also volunteers her time to the Senior Center for aquatics classes five to seven sessions each week.

Mr. Pennino then presented a second Mayor's Community Service Award to Mr. Robert Tan, choir director with Lodi Academy.

Mr. Tan announced that this was his last year with Lodi Academy, as he would be retiring after 21 years. He noted that he would continue to teach privately and work with the Lodi Children's Chorus.

Assemblyman Nakanishi stated that children are the most important legacy and he commended Mr. Tan for his work and dedication to the youth of the community.

D-2 Proclamations – None

D-3 Presentations – None

E. CONSENT CALENDAR

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 – Hitchcock, Howard, Land, and Mayor Pennino

Noes: Council Members – None

Absent: Council Members – None

Vacant: Council Members – Nakanishi

E-1 Claims were approved in the amount of \$3,703,983.22.

E-2 The minutes of November 12, 2002 (Shirtsleeve Session) were approved as written.

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- E-3 Adopted Resolution No. 2002-241 rejecting the apparent low bid as non-responsive and awarding the Parks and Recreation Tabloid booklet printing services to the second low bidder, Commerce Printing Services, of Sacramento, CA, in the amount of \$6,831.35.
 - E-4 Adopted Resolution No. 2002-242 rejecting the apparent low bid as non-responsive and awarding the purchase of 20,000 feet of #1/0 600-volt underground triplex cable to the second low bidder, Stephens, McCarthy, Lancaster LLC, of Novato, CA, in the amount of \$12,908.45.
 - E-5 Adopted Resolution No. 2002-243 awarding the bid for the purchase of 20,000 feet of #2/0 jacketed 15kV XLPE concentric neutral underground conductor to the low bidder, Western States Electric, of Portland, OR, in the amount of \$18,748.50.
 - E-6 Adopted Resolution No. 2002-244 awarding the purchase of 384 watt-hour meters to the low bidder, Ingalls Power Products, of Oakland, CA, in the amount of \$9,516.48.
 - E-7 Adopted Resolution No. 2002-245 awarding the purchase of one Multifunction Primary Injection Test Set to the sole bidder, George E. Honn Co., Inc., of Vacaville, CA, in the amount of \$30,708, and appropriated funds.
 - E-8 Adopted Resolution No. 2002-246 awarding the contract for Henning Substation Block Wall and Gate project to the low bidder, System 3, Inc., of Carmichael, CA, in the amount of \$69,600, and appropriated funds for the project.
 - E-9 Adopted Resolution No. 2002-247 awarding the contract for the Hutchins Street Square Senior Center re-carpeting project to the low bidder, Pinnell's Abbey Carpet, of Lodi, in the amount of \$10,007.42.
 - E-10 Approved the Improvement Agreement for the public improvements for the Harney Lane Sanitary Sewer Lift Station.
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F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Peter Westbrook, representing the Downtown Lodi Business Partnership (DLBP), stated that it has been a privilege to work with Mayor Pennino and he expressed sorrow at his impending departure from the Council. He congratulated Council Members Elect Beckman and Hansen. He thanked the Council for making decisions that improve the quality of life in Lodi and inspire other people to work hard toward the same goal. He invited the Council and public to attend the Dickens Faire in downtown Lodi on December 12 to 14.

G. PUBLIC HEARINGS – None

H. COMMUNICATIONS

- H-1 Claims filed against the City of Lodi – None
- H-2 Reports: Boards/Commissions/Task Forces/Committees – None
- H-3 Appointments – None
- H-4 Miscellaneous – None

I. REGULAR CALENDAR

- I-1 “Review and discussion of Nepotism Policy as established by Resolution 91-78 and incorporated in the City of Lodi Administrative Policy and Procedure Manual” was **pulled from the agenda.**

J. ORDINANCES

J-1 Ordinance No. 1726 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Title 9, Chapter 9.04 'Offenses Against Public Decency,' By Adding Section 9.04.030 Prohibiting Public Urination And Defecation" having been introduced at a regular meeting of the Lodi City Council held November 20, 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, and Mayor Pennino
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – None
Vacant: Council Members – Nakanishi

K. REORGANIZATION OF THE LODI CITY COUNCIL

K-1 "Resolution certifying the election results of the November 5, 2002 General Municipal Election"

City Clerk Blackston reported on the following election results received from the San Joaquin County Registrar of Voters Office from the November 5, 2002 City of Lodi General Municipal Election:

- The total number of ballots cast in the City was 15,489
- Larry Hansen – received 7,272 votes
- Susan Hitchcock – received 8,623 votes
- JoAnne Mounce – received 4,657 votes
- Phillip Pennino – received 7,125 votes
- John Beckman – received 7,146 votes
- Brian Bader – received 838 votes
- David O'Connor – received 2,020 votes
- Don Lindsay – received 1,189 votes

Ms. Blackston noted that as a result, elected to fill the three vacancies on the City Council are: Susan Hitchcock, Larry Hansen, and John Beckman.

In addition, Measure U, relating to increasing the Hotel-Motel Occupancy Tax Collection Rate from 9% to 10% received 5,424 "yes" votes and 8,328 "no" votes. Consequently, the measure was not carried and shall not be deemed adopted and ratified.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Howard second, adopted Resolution No. 2002-248 certifying the election results of the November 5, 2002 General Municipal Election. The motion carried by the following vote:

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

K-2 "City Clerk to administer the Oath of Office to Lodi City Council Members Elect and present Certificates of Election"

Mayor Pennino called to the podium former Council Member and newly elected Assemblyman Alan Nakanishi.

Assemblyman Nakanishi thanked the citizens of Lodi and stated that he cherished the four years he served as Council Member. He thanked City Manager Flynn and his staff for keeping the City fiscally sound with a balanced budget. He thanked the Council for the privilege of working with them and congratulated Council Members Elect John Beckman and Larry Hansen. He promised to work hard, and with honor, as Assembly representative for District 10.

Addressing Mr. Nakanishi, City Manager Flynn stated that staff has appreciated his mild composure, steady temperament, vision for the City, and conviction for what he believed in. Mr. Nakanishi will be remembered for his efforts to improve the eastside, safety preparedness for the City, and protecting individual and property rights. Mr. Flynn presented a gift to Mr. Nakanishi on behalf of the Council, staff, and citizens of Lodi in appreciation for his service and dedication to the community.

Mayor Pennino recognized former City Clerk Alice Reimche, Deputy City Clerks Jennifer Perrin and Jackie Taylor, City Clerk Blackston, former City Attorney Bob McNatt, City Attorney Hays, former City Manager Tom Peterson, and City Manager Flynn. Mayor Pennino stated that without the work of City Manager Flynn, the City would not have Hutchins Street Square, the downtown revitalization, and many other projects. He thanked all department heads and City staff for their dedication. He also expressed gratitude to Peter Westbrook, the Downtown Lodi Business Partnership, and the Chamber of Commerce for their efforts in reviving the downtown. He thanked the citizens for allowing him twelve years to participate on the City Council. He noted that one of his goals was to get the railroad tracks removed from Lodi Avenue, and thanked Union Pacific and Public Works Director Prima for their assistance toward this endeavor. Addressing Mayor Pro Tempore Hitchcock, Mayor Pennino emphasized the importance of being a consensus builder while serving in the position of mayor. He noted that Council Member Land is now the senior member on the Council. He commented that Council Member Howard is becoming the "regional thinker" on the Council and thanked her for her involvement on the San Joaquin Council of Governments. He congratulated Council Members Elect John Beckman and Larry Hansen. In the audience, he acknowledged his wife Melanie, daughter Summer, son Brian, and mother in law Midge Freeman. He noted that his son Brian, who made a choice after graduating from college to live in Lodi to be near family, is engaged and plans to be married on March 22.

Mr. Flynn commented that a sign in Bakersfield reads, "tough times don't last, but tough people do" and stated that it reminded him of Mayor Pennino. He reviewed some of Mayor Pennino's accomplishments over the past twelve years including the downtown revitalization, remodel of the railroad station, the new parking structure, downtown theater, Hutchins Street Square, Lower Sacramento Road widening project, Cherokee Lane remodel, Peterson Park, Lodi Lake improvements, and paving on Lodi Avenue to cover the railroad tracks. In addition, Mayor Pennino served on the San Joaquin Council of Governments, the Rail Commission, and was an officer on the League of California Cities. He noted that Mayor Pennino's consideration for the youth of the community also stands out. Mr. Flynn presented Mr. Pennino with a gift on behalf of the Council, staff, and citizens of Lodi in appreciation for his service, commitment, and dedication to the community during his 12-year term on the Lodi City Council.

City Clerk Blackston called forward Council Members Elect Beckman, Hansen, and Hitchcock, at which time she administered the Oath of Office and presented each with a Certificate of Election. Council Members Beckman, Hansen, and Hitchcock took their seats at the Council dais.

K-3 "Reorganization of the Lodi City Council: a) Election of Mayor, and b) Election of Mayor Pro Tempore"

City Clerk Blackston, serving as Mayor, conducted the election for the office of Mayor as follows.

NOMINATION(S) FOR MAYOR / VOTE:

Council Member Land, seconded by Council Member Beckman, nominated Susan Hitchcock for the office of Mayor.

There being no further nominations for the office of Mayor, the nominations were closed.

Resolution No. 2002-249 nominating Susan Hitchcock for the position of Mayor carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Hitchcock, Howard, and Land

Noes: Council Members – None

Absent: Council Members – None

City Clerk Blackston turned over the gavel to newly elected Mayor Hitchcock who then conducted the election for the office of Mayor Pro Tempore.

NOMINATION(S) FOR MAYOR PRO TEMPORE / VOTE:

Council Member Land stated that traditionally the Council Member with the highest votes in the last General Election moves on as Vice Mayor; however, he noted that he has previously had the opportunity to serve as Vice Mayor and Mayor. He nominated Emily Howard for the office of Mayor Pro Tempore. The motion was seconded by Council Member Hansen.

There being no further nominations for the office of Mayor Pro Tempore, the nominations were closed.

Resolution No. 2002-250 nominating Emily Howard for the position of Mayor Pro Tempore carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Howard, Land, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – None

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

- Mayor Pro Tempore Howard recognized former Mayor Pennino. She stated that his initiative and follow through has allowed many projects to come to fruition in the community and she expressed appreciation for his leadership.
- Council Member Land also commended former Mayor Pennino for his accomplishments and added that he always brought consensus to the Council. He reported that his grandson had three seizures over the weekend and stated that staff at Lodi Memorial Hospital, the Fire Department, and American Medical Response (AMR) provided excellent care. Staff from AMR returned twice, without being called, to check his grandson's vital signs after he had been returned home. He congratulated Council Members Beckman and Hansen.
- Council Member John Beckman thanked his fiancée Nancy Wilkinson and presented her with a bouquet of flowers.
- Council Member Hansen thanked his wife Linda and also presented her with a bouquet of flowers. He stated that he believes in the community and loves Lodi. He commented that former Mayor Pennino is a "can do" person and much of what Lodi has is attributable to his work and dedication. He thanked the Lodi Fire Department, Rick Gerlack, Lou and Cindy Neely, Steve and Diane Jarvis, Keith Farr, and all those who helped him during his election campaign.
- Mayor Hitchcock thanked everyone for their support, and in particular, her campaign manager and former Lodi Mayor Wally Katnich. She expressed gratitude to her parents, son, and husband. She hoped that the City will move forward with the greenbelt and stated that she plans to facilitate open communication during her term as Mayor. She explained that the best decisions are arrived at when there is full disclosure, and every issue that comes before Council is discussed frankly and openly. As a symbol of each year he served on the Council, she presented former Mayor Pennino with one dozen roses.

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

- City Manager Flynn congratulated Council Members Beckman and Hansen, as well as Mayor Pro Tempore Howard and Mayor Hitchcock.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:25 p.m.

ATTEST:

Susan J. Blackston
City Clerk