

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, NOVEMBER 5, 2003**

**C-1 CALL TO ORDER / ROLL CALL**

The City Council Closed Session meeting of November 5, 2003, was called to order by Mayor Hitchcock at 5:34 p.m.

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

Absent: Council Members – None

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

**C-2 ANNOUNCEMENT OF CLOSED SESSION**

- a) Conference with Labor Negotiator, Human Resources Director Joanne Narloch, regarding Association of Lodi City Employees, concerning General Services and Maintenance and Operators, pursuant to Government Code §54957.6 (HR)
- b) Conference with City Manager concerning Vacation Leave Accrual Cap Policy regarding all bargaining units and unrepresented employees pursuant to Government Code §54957.6 (HR)
- c) Actual litigation: Government Code §54956.9(a); one case; *Hohn v. City of Lodi et al.*, Superior Court of California, County of San Joaquin, Stockton Branch; Case No. CV 013688 (CA)

**C-3 ADJOURN TO CLOSED SESSION**

At 5:34 p.m., Mayor Hitchcock adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:33 p.m.

**C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION**

At 7:01 p.m., Mayor Hitchcock reconvened the City Council meeting, and City Attorney Hays disclosed the following actions.

In regard to Items C-2 (a) and (b), Council gave direction to the City's negotiators regarding matters involving bargaining units.

In regard to Item C-2 (c), Council gave direction to the City Attorney's Office regarding settlement discussions and how to proceed.

**A. CALL TO ORDER / ROLL CALL**

The Regular City Council meeting of November 5, 2003, was called to order by Mayor Hitchcock at 7:01 p.m.

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

Absent: Council Members – None

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

**B. INVOCATION**

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

**C. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Hitchcock.

**D. AWARDS / PROCLAMATIONS / PRESENTATIONS**

D-1 Awards – None

D-2 Proclamations – None

D-3 (a) Following introduction by Parks and Recreation Director Goehring, Mayor Hitchcock presented a proclamation to Maria "Jean" Orosco, Senior Administrative Clerk, who is retiring from the City of Lodi after 32 years of service.

D-3 (b) Following introduction by Park Superintendent Dutra, Mayor Hitchcock presented Certificates of Recognition to the following members of the Lodi Parks Division teams for their performance at the 9<sup>th</sup> Annual Park Operations Rodeo on October 14, 2003:

PARK X

Jorge Cruz  
Pete Melendez  
Jason Rickard  
Brandon Jones

LODI DEMONS

Jeff Dickhoff  
Mark Wonderlich  
John Limbaugh  
Pablo Ramirez

D-3 (c) Terri Whitmire, member of the Lodi Senior Citizens Commission, reported that the "Red Alert" program was developed with the assistance of Fire Chief Pretz and Police Chief Adams. Forms are available at the Library, Finance Department, Loel Senior Center, and Hutchins Street Square Senior Center where they are to be returned. Participants in the program are given a red magnet to place on their refrigerator, to which they attach information regarding the person at home that they are providing care for, as well as a list of people to call who can come in and provide care to the individual. This will alert Fire, Police, and ambulance personnel that there is someone in the home with special needs. This information will also be entered into dispatch databases alerting safety personnel in advance that the home is part of the Red Alert program.

D-3 (d) Lon Stromnes and Karen West, representing the Lodi Salvation Army, gave a presentation regarding the 2003 Salvation Army Red Kettle Campaign and encouraged all City employees and citizens to volunteer. He thanked Transportation Manager Tiffani Fink for assisting with the commitment to staff kettles at the Lodi Station bus stop throughout the holiday season.

Council Member Beckman commented that for the past three years he has volunteered two to four hours for the Salvation Army Red Kettle Campaign and he encouraged all citizens to participate.

D-3 (e) George Bradley, Street Superintendent, recalled that in September 2001 Council approved plans and specifications for landscaping on the south Hutchins Street median. He noted that in the 1970s approximately 210 crepe myrtle trees had been planted in the area, 90 of which have not survived. The Lodi-Tokay Rotary Club offered to purchase and plant 90 trees, and the City will replace another 50 that are in poor condition. The Lodi-Tokay Rotary Club and the Tokay High School Interact Club plan to start planting the trees on November 15. Sour gum trees were selected to replace the crepe myrtles.

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E. CONSENT CALENDAR

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

E-1 Claims were approved in the amount of \$3,825,116.29.

E-2 The minutes of October 7, 2003 (Shirtsleeve Session), October 7, 2003 (Special Meeting), October 14, 2003 (Shirtsleeve Session), October 21, 2003 (Shirtsleeve Session), and October 27, 2003 (Special Meeting) were approved as written.

E-3 Approved the plans and specifications and authorized advertisement for bids for Armory Park Ball Diamond Renovation.

E-4 Adopted Resolution No. 2003-200 approving the specifications and authorizing advertisement for bids for Maintenance of Landscape Areas for 2004 and authorizing the City Manager to award or reject the contract up to \$140,000.

- E-5 Approved the specifications and authorized advertisement for bids for rental and cleaning of uniforms for certain field and warehouse employees.
- E-6 Adopted Resolution No. 2003-201 approving specifications and authorizing advertisement for bids for 72,500 feet of ADSS fiber optic cable, pole line hardware, fiber optic test and splicing equipment, and GE OC-3 JungleMUX Multiplexer equipment and appropriating funding in the amount of \$280,000 for engineering, specialized fiber optic training, and substation and overhead construction work associated with this project.
- E-7 Adopted Resolution No. 2003-202 awarding the bid for Parks and Recreation Tabloid booklet printing services to the low bidder, Folger Graphics Printing and Publication, of Hayward, in the amount of \$5,021.15.
- E-8 Adopted Resolution No. 2003-203 awarding the contract for Katakian Park Booster Pump Project to Carson Landscape Industries, of Sacramento, in the amount of \$23,980 and appropriating funds in the amount of \$28,750 in accordance with staff recommendation.
- E-9 "Adopt resolution accepting a portion of the improvements in Century Meadows Three, Unit 4, Tract No. 2769" was **pulled from the agenda pursuant to staff's request.**
- E-10 "Adopt resolution accepting a portion of the improvements for the Harney Lane Sanitary Sewer Lift Station" was **pulled from the agenda pursuant to staff's request.**
- E-11 Accepted the improvements under the "Traffic Signal and Street Lighting Improvements at Century Boulevard and Ham Lane" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- E-12 Accepted the memorial park bench and plaque donation from Mrs. Evelyn L. Rich.
- E-13 "Authorize the City Manager to execute a contract with Lodi-Tokay Rotary Club for the 5<sup>th</sup> Annual Celebrate Lodi Kids' Night Out to be held on December 31, 2003 (\$18,000)" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-14 Adopted Resolution No. 2003-204 authorizing the City Manager to execute the Direct Payment Program Agreement with the State of California Department of Community Services and Development for the term of July 1, 2003 through June 30, 2006.
- E-15 Authorized funds in the amount of \$1,500 from the Protocol Account and directed the City Clerk to coordinate the Annual City Employee Appreciation/Holiday Reception.

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ACTION ON ITEM REMOVED FROM THE CONSENT CALENDAR

- E-13 "Authorize the City Manager to execute a contract with Lodi-Tokay Rotary Club for the 5<sup>th</sup> Annual Celebrate Lodi Kids' Night Out to be held on December 31, 2003 (\$18,000)"

Richard Jones, President of the Lodi-Tokay Rotary Club, reported that the club has coordinated the Kids' Night Out event for the past five years. Hundreds of youth and families participate each year for an evening of festivities, games, and fireworks.

Steve Whyte, member of the Lodi-Tokay Rotary Club, recalled that the event was first initiated by the Mayor's Year 2000 Committee. There were 5,000 participants in 1999 and it has grown each year. This year's free event will be held on December 31 from 4:00 to 8:30 p.m. at School and Pine Streets. Fireworks will be discharged from the top of the parking structure.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Land second, unanimously authorized the City Manager to execute a contract with Lodi-Tokay Rotary Club for the 5<sup>th</sup> Annual Celebrate Lodi Kids' Night Out to be held on December 31, 2003, in the amount of \$18,000.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Virginia Lahr stated that she invested over \$5,000 and four years into developing a home daycare business. She had six full-time and two part-time children, but recently dropped to two full-time children and one part-time, due to parent's safety concerns. She voiced the following complaints:
  - A group of teenagers were seen traveling down the street hitting windows on cars;
  - Between 3:00 to 3:30 p.m., she had her daycare children outside riding bicycles and she saw gang members at Washington and Elm Streets firing weapons in a westerly direction while looking east;
  - At 3:45 p.m., she witnessed a dark green Plymouth Voyager stop in front of her home and 10 to 15 teenagers armed with baseball bats exited the vehicle;
  - Speeding occurs on Elm Street; and
  - Hale Park is not being cleaned sufficiently, the sandbox is full of weeds, and on three mornings she saw people sleeping there.

Ms. Lahr stated that there are more than 400 documented gang members in Lodi and asked if there are any full-time Police Officers assigned to address this problem.

Mayor Hitchcock stated that Ms. Lahr's concerns would be referred to the appropriate departments for response.

Council Member Hansen stated that Ms. Lahr left him a voice mail message regarding this issue and he referred it to Police Chief Adams. He later followed up on the matter and was told that a Police Officer spoke to Ms. Lahr, the Police Department now has a stronger presence in the area, and the gang unit is aware of the problem. Mr. Hansen noted that he also received information from a citizen who was concerned about gang activity at the theater.

Ms. Lahr acknowledged that she spoke with Detective Scott Powell; however, she did not notice any more police presence than usual. She commented that the house at 318 E. Elm Street is overpopulated and has trailers in the backyard that are being occupied. She stated that Community Development is aware of the matter and is attempting to correct it.

- Bob Asklof stated that he had been involved with the Boosters of Boys and Girls Sports (BOBS) since 1981 and has served as coach, referee, and administrator. In addition, he is the Commissioner and serves on the Board of Directors for the District 8 California Youth Soccer Association, which includes nine counties in the Central Valley and foothills and has 26,000 players. He stated that the fees in Lodi are 50% lower than other areas and attributed this to the work of the BOBS organization. He estimated that BOBS is saving taxpayers \$200,000 to \$300,000 a year, due to its volunteer and fundraising efforts.
- Toni Jump stated that she has been involved with BOBS for the past nine years as a parent and coach. She supported the organization and believed it makes a significant contribution to the community with its volunteer hours and fundraising.
- Karen Hutz-DeJong stated that she served for five years as a BOBS board member. She voiced support for the organization and her husband, Blaine DeJong, BOBS President. She read the following statement, which she believed was a definition of a BOBS Board Member: *"One who serves with his or her own free will. One who gives help, does a service, or takes an obligation or deed without pay. In the process they give up their family time in order to serve the youth without asking anything in return."* Ms. Hutz-DeJong noted that she provided Council with a packet of information (filed). She recalled that former Parks and Recreation Director Ron Williamson said that there was not another organization in the United States like

BOBS, who keeps fees down, raises money, and has scholarships for youth who could not otherwise afford to participate in sports programs. She stated that the City cannot afford to lose BOBS or control it and asked who would oversee the youth sports programs in Lodi without it.

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 Hitchcock called for the public hearing to consider Reimbursement Agreement RA-03-02 establishing an Area of Benefit and reimbursable costs for public improvements for Tienda Place, Unit No. 1, Tract No. 3141.

Wally Sandelin, City Engineer, explained that the public hearing is for the purpose of considering the reimbursement agreement and establishing an area of benefit for Tienda Place Unit 1 that would address reimbursable costs for public improvements constructed under the agreement for that subdivision. The project is located south and west of the Woodbridge Irrigation District canal and north of Kettleman Lane. The improvements constructed generally lie on the west side of Lakeshore Boulevard. The developer has requested this reimbursement agreement. The property owner has been notified and submitted a letter accepting the proposal.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Land, Beckman second, unanimously adopted Resolution No. 2003-205 establishing an Area of Benefit and reimbursable costs for Tienda Place, Unit No. 1, Tract No. 3141 public improvements.

- 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 Hitchcock called for the public hearing to consider Reimbursement Agreement RA-03-03 establishing an Area of Benefit and reimbursable costs for public improvements for 1816 Tienda Drive (APN 031-040-39), a portion of the former parcel known as 1811 West Kettleman Lane.

Wally Sandelin, City Engineer, reported that 1811 West Kettleman Lane was divided to create a new home site. As a condition of that parcel map, water and storm drainage improvements were required to be installed to serve 1811 and 1833 West Kettleman Lane. In conjunction with the City's gap closure project, a sewer main was constructed at the properties, because in the course of widening Kettleman Lane their leach fields had been removed. The funding for the Kettleman Lane gap closure paid for the sewer service to the two affected parcels. The applicant and the resident of 1816 Tienda Drive has requested that Council establish the reimbursement agreement and benefit zone to recapture the benefit of the improvements constructed in the form of water and storm drainage improvements to the two parcels on West Kettleman Lane.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Land, Beckman second, unanimously adopted Resolution No. 2003-206 establishing an Area of Benefit and reimbursable costs for the improvements at 1816 Tienda Drive (APN 031-040-39), a portion of the former parcel known as 1811 West Kettleman Lane.

RECESS

At 8:17 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 8:25 p.m.

G. PUBLIC HEARINGS (Continued)

G-3 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hitchcock called for the public hearing to consider Resolution/Order to Vacate Neuharth Drive and the south 300 feet of Ackerman Drive.

Deputy City Manager Keeter noted that Council received a number of "blue sheets" on this item, one of which is an addendum to the staff report (all filed).

Public Works Director Prima reported that Cottage Bakery has requested the abandonment of Neuharth Drive in order to provide security for its industrial facility. It wishes to close a portion of the street and construct a cul-de-sac. Motivation for its request is due to heightened security following the events of 9-11 and increased scrutiny by the federal government and its customers. The Planning Commission function related to this request was to consider general plan implications. The Commission found that the abandonment was acceptable. Mr. Prima reported the following traffic volume statistics:

- 11,400 on Stockton Street near Kettleman Lane;
- 4,000 on Almond Drive;
- 2,000 on Neuharth Drive (estimate 1,350 with proposed changes); and
- 1,000 on Maxwell Street (estimate 1,700 with proposed changes).

Mr. Prima explained that level of service calculations are graded A to E. The City aims for a C to D level for intersections and roadways. The area in question currently calculates at a good level C, and with the proposed changes, would move down to an average C level. There is an average delay per vehicle of 15 to 25 seconds on the side street.

Mr. Prima stated that all the utilities that are within the old street would remain as public utilities with the exception of streetlights, fire hydrants, and catch basins, which would revert to maintenance and ownership by the property owner. Mr. Prima anticipated having an operating agreement to ensure they are maintained. He reviewed the following conditions of approval:

1. Prepare public improvement plans for a new industrial cul-de-sac at the south end of Ackerman Drive and conversion of the Neuharth Drive street entrance to a private driveway;
2. Execute Public Improvement Agreement with the City, provide surety and insurance for the improvements, and pay all applicable fees prior to the start of construction of public improvements;
3. Execute maintenance and operations agreement with the City including provisions for: a) separation of private facilities from public utilities; b) fencing and operation of Ackerman Drive cul-de-sac access for backup/emergency use only; and c) location and operation of Stockton Street/Neuharth Drive private entrance to prevent queuing of vehicles onto Stockton Street; and
4. Merge existing parcels into a single parcel, retain all necessary public utility easements, and provide new public utility easements as required by all public utilities.

Mr. Prima explained that condition number four was added in the event Cottage Bakery elects to sell off part of the property, subdivide, move, etc. It would then have to go through the development process, and the City would gain the opportunity to have the developer restore the street and perhaps reconfigure it.

Mr. Prima reviewed pertinent sections of the California Streets and Highways Code.

In reply to Mayor Hitchcock, City Attorney Hays explained that there is a difference between this noticed abandonment and the summary abandonment proceedings. The noticed abandonment provides greater opportunity for flexibility.

Mayor Hitchcock questioned whether traffic mitigation would be needed at Maxwell and Stockton Streets.

Mr. Prima did not believe traffic mitigation would be necessary. He expected that Stockton Street would go to 35 mph on its own accord due to development in the area. He explained that stopping 10,000 to 14,000 cars a day in order to let 1,000 to 2,000 cars out of a side street is inappropriate from a traffic engineering standpoint, as it would increase delays, air pollution, and noise. He noted that a traffic signal at Almond Drive would benefit more drivers and provide gaps in traffic for those waiting to exit at Maxwell Street. Staff is considering major reconstruction of Stockton Street between Kettleman and Harney Lanes in 2005-06 or 2006-07. Mr. Prima stated that if Council approves the abandonment request, staff plans to move the center line of Maxwell Street to create a left-turn lane and a right-turn lane in an attempt to reduce the amount of queuing and delay.

Mayor Hitchcock asked whether the applicant would pay for these street improvements, as she did not believe there should be a cost to taxpayers to make accommodations to a private party.

Mr. Prima replied that the cost of striping left-turn lanes is minor and staff had planned on doing it at some point regardless of the request under consideration tonight; consequently, no reimbursement would be sought from Cottage Bakery.

In response to questions posed by Council Member Hansen, Mr. Prima stated that staff projects that there will be less traffic on Maxwell Street after the proposed changes than there is now on Neuharth Drive. He noted that there have been no complaints about how Neuharth Drive currently functions. He clarified that the traffic count included the trucks from Cottage Bakery. Once the proposed changes take place, all the trucks from Cottage Bakery will use the Neuharth private driveway.

#### Hearing Opened to the Public

- Terry Knutson, representing Cottage Bakery, expressed concern for the safety of the bakery products, employees, their property, and the public. The proposal is necessary to bring the facility into compliance with mandated security requirements and to retain or add customers. He recalled that Cottage Bakery began operations on Neuharth Drive in 1986 with 37,000 square feet and eight employees. Expansions to the facility took place in 1996, 1998, 2000, 2001, 2003, and plans are underway for 2005. Currently there are 16 acres on both sides of Neuharth and Ackerman Drives, and the plant is now 378,000 square feet and operates 24 hours a day with just under 400 employees. He hoped to add another 100,000 square feet and 200 employees. Since Cottage Bakery acquired the Wallace building across the street, there has been a tremendous amount of forklift traffic across the south end of Ackerman Drive. He believed that the proposed changes would reduce the amount of traffic on Maxwell Street.

Council Member Land stated that he had heard concerns from adjacent businesses regarding the need for a second route out of the area in case of emergency or if the intersection of Stockton and Maxwell Streets were closed temporarily.

Mr. Knutson replied that he plans to have a gate, which he would open on a temporary basis if necessary. In addition, he would have an emergency preparedness plan, and the Fire Department would have keys to the gate.

Mayor Hitchcock pointed out that there might be cumulative impacts in the future related to this proposal and asked Mr. Knutson if he would be willing to make a financial investment, e.g. pay for a stop light at Almond Drive if traffic mitigations were needed.

Mr. Knutson responded that he would be willing to consider reasonable traffic mitigation costs if deemed necessary. He reiterated, however, that he did not believe the proposed changes would result in a significant impact to Maxwell Street. He noted that he would be building a cul-de-sac at a cost of approximately \$50,000 and taking over maintenance of the street, fire hydrants, etc., which could be expensive.

Mayor Pro Tempore Howard disagreed with the suggestion that Cottage Bakery pay for any upgrades, maintenance, or modifications to Stockton Street and believed that this should be the responsibility of the City.

Council Member Hansen recommended that the City seriously consider a traffic light at Stockton Street and Almond Drive.

Mr. Prima suggested that decisions regarding a traffic light wait until the KB Home development is completed. He stated that staff will likely need to update the speed survey at that time because conditions will have changed significantly enough to warrant it.

- Kevin Van Dewark, Director of Quality Assurance for Cottage Bakery, emphasized that food safety and bio-security has become increasingly regulated. Stringent customer requirements must be met such as having tamper-resistant containers and flour silos that are inaccessible to the public. He referenced a packet of material submitted to Council (filed), in which under tab 10, page 2, a copy of a letter from Jack In the Box highlights some of the requirements that customers are now demanding. Mr. Van Dewark explained that by limiting access to the manufacturing facility through a single entry point, it effectively manages the requirements. Only documented trucks with intact seals and individuals with current ID badges would be admitted into the facility.
- Paul Welk representing Lodi Tent and Awning Company believed that once the new subdivision opens on Stockton Street between Almond Drive and Kettleman Lane, it would greatly increase the traffic level and exiting Maxwell Street will become even more difficult particularly during sports season at Salas Park. He expressed concern for having only one exit out of the area and questioned how long it might be closed if there were a chemical spill or accident near the intersection of Maxwell and Stockton Streets, or impacts of a train derailment on the tracks behind the property. He stated that there are nine property owners on Maxwell Street and Ackerman Drive and eight are opposed to this request. He referenced petitions signed by 60 employees of businesses in the area who are opposed to the closure of Neuharth Drive (filed). He pointed out that George Kishida Trucking has 60 trucks and if four were lined up, at 65 feet each, they would reach nearly to the corner. He also noted that trucks cannot accelerate from a stop like cars, which makes exiting Maxwell Street in heavy traffic even more difficult.
- Kevin Welk expressed safety concerns and stated that it would cripple business if entrance and exit from the area is hampered.
- John DeVriendt, Production Manager for Cottage Bakery, stated that many of the 400 employees and their 200 vehicles currently exit out of Maxwell Street. The proposed changes will force them to exit at Neuharth Drive. For this reason he believed there would be little, if any, increase in traffic on Maxwell Street.
- Bart Spence, Director of Human Resources for Cottage Bakery, reported that the facility produces and distributes over 300 million bakery products a year. A terrorist could consider the facility a viable vehicle for contamination. Currently the bakery has two large silos containing over 1,240 pounds of flour that are locked but not guarded.

He referenced various aspects of the U.S. Food and Drug Administration, Guidance for Industry, Food Producers, Processors, and Transporters: Food Security Preventive Measures (filed). He stated that by acquiring the portion of Ackerman and Neuharth Drives, Cottage Bakery will be able to provide security for its product, employees, and neighbors.

- Gilbert Vanover, representing Space Business Forms and Imaging, stated that he has 13 employees and three to five semi trucks, as well as other various size trucks that need to come in and out of the area. He estimated that half of his employees have been exiting Neuharth Drive because they are afraid to exit at Maxwell Street. He stated that there is inadequate parking in the area now and if the proposed changes are approved it will worsen the situation.
- Brian Welk stated that every business on Mounce Street has a thoroughfare out to Victor Road. He went to the area during his lunch hour and counted 28 cars in a ten-minute period. On Maxwell Street, he counted 145 vehicles in a ten-minute period. He believed the reason more people exit at Neuharth Drive is because the visibility is much better than at Maxwell Street. He estimated that four Kishida trucks exit each day at Neuharth Drive, which will all be diverted to Maxwell Street if the proposed changes are approved. He disagreed with the traffic count and projections given by staff. He believed that the main purpose for the request is to allow Cottage Bakery to run forklifts back and forth across the street. He was opposed to current and future businesses in the area being inconvenienced and stated that the businesses were put in place with the intention of having two functional streets to work out of and it should remain that way.

In answer to Council Member Hansen, Paula Fernandez, Senior Traffic Engineer, reported that north of Stockton Street there is a driveway with 20 feet of red curb. The area just north of the intersection of Stockton and Maxwell Streets is near the driveway, so vehicles do not park there.

Brian Welk noted that another reason it is easier to exit at Neuharth Drive is because by the time the traffic comes from Harney or Kettleman Lanes the vehicles are spaced out, whereas, at Maxwell Street they are still close together. He suggested that if there were no right turn allowed on Kettleman to Stockton Street and Harney Lane to Stockton Street it might divert traffic slightly.

- Kem Kishida, representing George Kishida, Inc., explained that employees use Neuharth Drive because cars are parked all along Maxwell Street and it is very difficult for a semi truck to maneuver in that area. She stated that they have scheduled delivery and load times and if Maxwell Street were closed for any reason it would be a detriment to the business.
- Ron Markle asserted that Council should not be abandoning a public street used by thousands of vehicles daily in order to turn the property over to a private company without first demonstrating that the abandonment is in the public interest and that there is significant benefit to the community, exceeding the injury to the other businesses and the inconvenience of the public in not being able to use the street any longer. The street has been used as a public street and dedicated for public use and convenience for 20 to 30 years. He stated that the street is more necessary today than when it was built 30 years ago. The property and business owners along Maxwell Street and Ackerman Drive have an interest in the continued and unrestricted ingress and egress to their properties. When these lot owners acquired their properties they paid for the advantage of the street dedicated for use as a means of ingress and egress from Stockton Street. Creating a dead end street on Ackerman Drive will inconvenience the businesses on Maxwell Street and Ackerman Drive, as well as the general public. He believed that the convenience of the general public would best be served if the street remained in its present state. The abandonment of the street will clearly benefit Cottage Bakery. He pointed out that none of the background information, staff reports, or resolution address why the

abandonment is in the best interest of the community. He believed that Cottage Bakery could meet its safety requirements without having to close the street. He emphasized that the proposal is not supported by a majority of the impacted property owners.

- Wiley Wehba of Cottage Bakery reported that some employees have had their cars stolen, broken into, and damaged. Thousands of dollars of items have been stolen from their lot, graffiti has been placed on their property, and individuals gaining access to the rear of the facility have turned off critical process machines. The south and west property lines have a ten-foot block wall with razor wire. The north property line up to Ackerman Drive has a ten-foot cyclone fence with razor wire. He suggested that to improve visibility a left-turn lane should be placed on Maxwell Street, and Stockton Street parking should be reduced on both sides of Maxwell Street.
- Phil Pennino, speaking on behalf of Mr. Knutson and the employees of Cottage Bakery, pointed out the advantage to all residents and businesses in allowing City staff to move forward on improvements to Maxwell and Stockton Streets that otherwise would not have been done until 2005-06. In addition, there would no longer be trucks and vehicles illegally parked on Ackerman Drive. He reiterated that the gate at Neuharth Drive could be used by others on an emergency basis. He stated that he spoke with every business in the area and acknowledged that they did express concerns about the intersection of Maxwell and Stockton Streets. One business owner informed him that one of his employees signed the petition in opposition to the proposal; however, the business owner was not opposed. Mr. Pennino submitted a petition signed by 103 Cottage Bakery employees in support of the proposal (filed). He outlined the advantages of approving the request: 1) creating more jobs in the community; 2) providing an opportunity to improve road safety; 3) accelerating improvements to Maxwell and Stockton Streets; and 4) improving public safety and the potential of terrorism.

In answer to Council Member Hansen, Charles Farrell of F&H Construction stated that they are the designers of the Cottage Bakery expansion and have taken into consideration the parking requirements that would be needed for the 200 additional employees. He stated that there are 67 more parking spaces than are required.

- Christian Weisz, representing Cen-Cal Fire Systems, voiced opposition to the proposal.
- Betty Busarow encouraged Council Members to try to exit Maxwell Street at 5:00 p.m. Ms. Busarow stated that she has worked in the area for 23 years and has always exited at Neuharth Drive in the evenings.
- Gary Markle encouraged Council to consider this matter carefully and not be hasty in its decision.
- Kevin Knutson spoke in support of the proposal and expressed hope that a "win, win" situation could be found to accommodate everyone concerned.

#### Public Portion of Hearing Closed

Council Member Land recommended that all interested parties meet and come to a resolution that they all can agree on and come back to Council. He stated that he was willing to support the proposal, but also wanted to address the concerns of the other businesses. He wanted to ensure that Maxwell Street was redesigned because he believed there were current traffic problems in that area.

In reply to Council Member Hansen, Mr. Prima suggested that the best thing to do to improve visibility on Maxwell Street would be to remove quite a bit of the parking on both sides of the street and make a wider entry lane, so that vehicles turning right have freer movement and also to allow for a left turning car not to block someone turning right. He stated that staff has committed to stripe the left-turn lanes.

Council Member Beckman commented that California has become very anti-business. He voiced support for accommodating the business owner in expanding and making his production line more secure in an effort to show that Lodi is pro-business. He believed that the City's traffic engineering personnel could make Maxwell Street safer.

MOTION #1:

The City Council, on motion of Mayor Pro Tempore Howard, Beckman second, adopted Resolution No. 2003-207 vacating Neuharth Drive and the south 300 feet of Ackerman Drive with the conditions set forth below and authorizing the City Manager to execute agreements required to implement this abandonment; and further requested that representatives of Cottage Bakery, Inc., collaborate with adjacent property owners and the Public Works Department to develop language for an agreement to allow reasonable passage during times of an emergency:

1. Prepare public improvement plans for a new industrial cul de sac at the south end of Ackerman Drive and conversion of the Neuharth Drive street entrance to a private driveway, all per City standards.
2. Execute Public Improvement Agreement with the City, provide surety and insurance for the improvements, and pay all applicable fees prior to the start of construction of public improvements.
3. Execute maintenance and operations agreement with the City including provisions for:
  - separation of private facilities from public utilities with the approval of the Public Works Director;
  - fencing and operation of Ackerman Drive cul-de-sac access for backup/emergency use only; and
  - location and operation of Stockton Street/Neuharth Drive private entrance to prevent queuing of vehicles onto Stockton Street.
4. Merge existing parcels into a single parcel, retain all necessary public utility easements, and provide new public utility easements as required by all public utilities.

DISCUSSION:

Mayor Hitchcock stated that she would not be supporting the motion because she sees great benefit to Mr. Knutson, at a detriment to the surrounding neighbors. In addition, she did not want taxpayers to shoulder the financial burden for the street improvements that would be necessary. She did not believe that that striping or a left-turn lane would sufficiently handle the problem. Ms. Hitchcock could not understand how Council could possibly declare that there was no public need or necessity in the area to be abandoned.

Council Member Hansen pointed out that staff has informed Council that there is no need for a traffic signal at this time. There are very similar intersections in other areas of the city with similar volumes of traffic that do not have a signal. He wanted to ensure that Mr. Prima had clear direction to consider every possible way to improve visibility at the intersection of Maxwell and Stockton Streets. He agreed with Council Member Beckman that food product safety and security is of great concern.

Council Member Land agreed that mitigation measures need to occur at the Maxwell Street intersection. He was opposed to the suggestion that the owner of Cottage Bakery pay for the street mitigation efforts because he believed that the problem exists today.

VOTE:

The motion carried by the following vote:

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

Noes: Council Members – Mayor Hitchcock

Absent: Council Members – None

Mayor Hitchcock asked counsel if the businesses would have the ability to consider this action as a taking and be able to come after the City for reducing their ability to do business the way it is currently provided.

In explanation, City Attorney Hays read the following from a similar case, "*Since the process of determination of public interest in vacating streets does not involve legally required hearings, at which evidence must be taken and discretion exercised in determining facts, the process is of legislative rather than adjudicatory character. Hence, judicial review is limited to examination of proceedings to determine whether action is arbitrary, capricious, or entirely lacking in evidentiary support or whether there has been failure to follow procedure or give notice.*" Mr. Hays stated that given Council's discretion in this matter, it is improbable that this could be elevated to a level of a taking.

MOTION #2 / VOTE:

The City Council, on motion of Council Member Land, Howard second, unanimously directed staff to bring back to Council (prior to the closure of Neuharth Drive) recommendations for improving the ingress and egress of Maxwell Street onto Stockton Street.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

Mayor Pro Tempore Howard made a motion, Land second, to continue after the 11:00 p.m. hour and to consider only Item I-6. The motion **failed** by the following vote (4/5 vote of the City Council is required).

Ayes: Council Members – Beckman, Howard, and Land  
Noes: Council Members – Hansen and Mayor Hitchcock  
Absent: Council Members – None

Mayor Hitchcock **withdrew** her no vote, which changed the vote to the following:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hitchcock  
Noes: Council Members – Hansen  
Absent: Council Members – None

Mayor Hitchcock, Council Member Hansen, and Deputy City Manager Keeter encouraged Council to consider the remainder of the items on the calendar due to time sensitivities.

Further, Mayor Pro Tempore Howard **withdrew** her original motion and **made a new motion**, Mayor Hitchcock second, 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 – Hansen, Land, Howard, and Mayor Hitchcock  
Noes: Council Members – Beckman  
Absent: Council Members – None

H. COMMUNICATIONS

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

H-2 Reports: Boards/Commissions/Task Forces/Committees – None

H-3 The following postings/appointments were made:

- a) The City Council, on motion of Council Member Hansen, Hitchcock second, unanimously directed the City Clerk to post for the following expiring term.

Lodi Senior Citizens Commission

Terri Whitmire Term to expire December 31, 2003

H-4 Miscellaneous – None

I. REGULAR CALENDAR

I-1 "State Budget update"

Deputy City Manager Keeter stated that there were no updates available on the state budget.

MOTION/ VOTE:

There was no Council action necessary on this matter.

I-2 "Adopt resolution authorizing the City Manager to allocate a Public Benefits Program grant to fund the Lodi Home Electronics Rebate Program (\$30,000)"

Rob Lechner, Manager of Customer Service and Programs, stated that the Lodi Home Electronics Rebate Program would provide Lodi Electric Utility customers with a rebate when a designated and approved Energy Star rated home electronics product was purchased in Lodi between November 28, 2003 and December 24, 2003. The product must be purchased at one of the participating Lodi retailers and the customer must be current on their Electric Utility account in order to qualify. The Energy Star rated home electronics products include: televisions, CD recorders and burners, cordless telephones, compact stereo systems, computers, television combination units, printers, scanners, copiers, and DVD players. The rebates will be provided in the form of a credit on customers utility accounts; one per customer service address. Rebate amounts will vary depending upon the total equipment purchase price.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, unanimously adopted Resolution No. 2003-208 authorizing the City Manager to allocate a Public Benefits Program grant to fund the Lodi Home Electronics Rebate Program in the amount of \$30,000.

I-3 "Adopt resolution authorizing the replacement purchase of the Electric Utility voice recording system and appropriate funding (\$17,950)"

Deputy City Manager Keeter stated that Electric Utility has equipment that needs to be replaced and they recommend the Freedom System by Dictaphone. Funding will be deducted from capital reserve.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, unanimously adopted Resolution No. 2003-209 authorizing the replacement purchase of the Electric Utility voice recording system in the amount of \$17,950 and appropriated funding in accordance with staff recommendation.

I-4 "Adopt resolution approving the reallocation of Electrical Engineer (vacant position) to Senior Power Engineer along with the new job specification and salary range"

Deputy City Manager Keeter explained that this is not a net new additional position; it is a reallocation, due to a reorganization within the department.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, unanimously adopted Resolution No. 2003-210 approving the reallocation of Electrical Engineer (vacant position) to Senior Power Engineer along with the new job specification and the following salary range:

<u>Step A</u>	<u>Step B</u>	<u>Step C</u>	<u>Step D</u>	<u>Step E</u>
\$6,582.00	\$6,911.00	\$7,256.00	\$7,619.00	\$8,000.00

- I-5 "Adopt resolution authorizing the City Manager to execute a new contract between Cottage Bakery and the City of Lodi that will transition this customer to a standard rate over a three-year period"

Rob Lechner, Manager of Customer Service and Programs, reported that this contract is similar to the other four that were brought to Council previously and ultimately all five will be transitioned to the I-1 rate. Five weeks ago, Cottage Bakery was at 4.50 cents a kilowatt-hour and it has been raised to 5.02 cents.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Beckman second, unanimously adopted Resolution No. 2003-211 authorizing the City Manager to execute a new contract between Cottage Bakery and the City of Lodi that will transition this customer to a standard rate over a three-year period.

- I-6 "Discuss options regarding the operation of the Skate Park at Kofu Park and provide staff direction"

Parks and Recreation Director Goehring recalled that discussion regarding the Skate Park took place at the June 24 Shirtsleeve Session. At that meeting representatives from Spohn Ranch requested a subsidy from the City that would enable them to continue their management of the Lodi Skate Park. Other skate parks in the surrounding area were providing free admission, which resulted in a decline in attendance at Lodi Skate Park. Council had directed staff to take Spohn Ranch's proposal, and future of the park, to the Parks and Recreation Commission. On October 7 the Parks and Recreation Commission voted to terminate the existing contract with Spohn Ranch, but made no recommendation relative to the continued operation of the park.

Michael Reese, Recreation Supervisor, presented the following options for Council's consideration:

Option 1

Amend the contract with Spohn Ranch, providing a \$59,800 subsidy and continuing with free admission to the site. Staff expects improvement in the marketing of the facility. The City received \$3,000 in revenue from the Skate Park last year. Maintenance and repair of the City-owned equipment would be done by the employees of Spohn Ranch. Under this option insurance and liability would remain the responsibility of Spohn Ranch.

Option 2

Terminate the contract and put the skate park operation out to bid. Mr. Reese reported that someone from the local community had expressed an interest in operating the park. The subsidy amount under this option is unknown. The company operating the facility would provide the City with liability insurance.

Option 3

Terminate the contract and operate the skate park with City staff, which would require funding from the general fund of an estimated \$75,000.

Option 4

Open the Lodi Skate Park to free and unsupervised skating; however, Mr. Reese stated that staff's recommendation is that it remain a supervised skate park.

Council Member Land did not understand why the City is so reluctant to have an unsupervised park as other surrounding communities have done. As an alternative to the site, he noted that there is a need for more basketball courts.

In reply to Council Member Land, Mr. Reese reported that there are free unsupervised skate parks in Galt, Manteca, Tracy, Ripon, and Modesto. Stockton has varied its park operation. Most of these cities are in a joint powers insurance group.

City Attorney Hays explained that legislation for unsupervised parks only provides protection for certain age groups and coverage if the accident occurs when the participant is doing certain types of designated acts. The City would have to pay the first \$500,000 per incident.

In response to Mayor Hitchcock, Mr. Reese reported that in a letter Eric Lee of Spohn Ranch wrote to the City Manager and Council in June, he stated that they would be unable to continue operation of the park without a subsidy.

PUBLIC COMMENTS:

- Eric Lee, Operations Manager for Spohn Ranch, stated that most joint powers insurance groups would not cover a skate park with ramps over five feet high. He explained that the park has not been a success because they were denied permits to have special events, were not allowed to have PA systems, and had difficulties with surrounding residents. He reported that Spohn Ranch has lost an additional \$11,000 since they have been offering free admission and they have contributed \$25,000 worth of maintenance to the park since it has been in operation. There have been 5,160 participants since March when free admission began. There are over 4,700 registered users of the park. He warned that if it were changed to an unsupervised park, BMX would not be allowed. There has only been one minor injury at the park since it opened. He stated that the subsidy would allow Spohn Ranch to expend more effort toward marketing the facility. They would like to start a Rolling Sports Education Program where representatives would provide physical education seminars to area school students. In addition, he hoped to get involved in field trips and outreach to community groups. He noted that Spohn Ranch carries \$5 million in insurance protection at no cost to the City.

Council Member Land expressed disappointment with the current situation and did not believe that Spohn Ranch put sufficient effort into obtaining sponsorships.

Mr. Lee acknowledged that no sponsors were obtained; however, he attributed it to the fact that the contract did not allow them to offer sponsors anything, e.g. signage and special events that draw crowds.

Council Member Beckman asked why the Parks and Recreation Commission wanted to terminate the contract with Spohn Ranch and what its recommendations were for the future of the park.

Mr. Goehring explained that the Commission had not been involved in the original decision to build the skate park facility at Kofu Park, and for this reason it did not make any recommendations regarding the future operation of the park. He noted that option three did not include maintenance and repair costs of the equipment, which when added in, would show that it would cost more for the City to operate the park than Spohn Ranch. Additionally, the City currently does not have staff to maintain the park, nor the expertise to repair the equipment, so it would probably have to be contracted out.

Mayor Hitchcock agreed with the Parks and Recreation Commission that the contract with Spohn Ranch be terminated. She felt that there was a "disconnect" between Spohn Ranch and the City. She recommended that the park be free and unsupervised, as other cities have done.

Mr. Goehring indicated that when the contract was originally entered into, Parks and Recreation staff were instructed not to go out of their way to help Spohn Ranch make the park successful. Mr. Goehring stated that he does not share that attitude and offered to help promote and market the skate park.

Mayor Pro Tempore Howard stated that she was not in favor of the City taking over the operation and maintenance of the skate park, nor of converting it to basketball.

courts. She voiced support for trying to preserve the skate park in Lodi and continuing to contract with Spohn Ranch for its operation. She felt there needed to be a lot of support from the Council in allowing appropriate advertising and events to be held. She believed this could be accomplished by also being respectful to the surrounding community and keeping them informed about events that are planned to be held, and ensuring there is crowd control, supervision, etc. She recognized the support given by Dennis Cunnington and Dave Vaccarezza toward the skate park project and reported that Mr. Cunnington recently has been working on filing edges on some of the skate surfaces in an attempt to decrease the noise level. She suggested that a loan with a commitment for repayment may be a better alternative than a subsidy.

- John Connelly complained that Council has ignored his complaints about the skate park noise. In reference to Ms. Howard's report of work being done to decrease the sound level at the park, he stated that it has not occurred. He stated that anyone living on the 1200 block of Sunset Drive cannot go to bed until after 10:00 p.m. every Thursday, Friday, and Saturday night, due to the noise at the skate park.
- George Eatough, owner of Gravity Skate Shop, stated that he was a pro skater for seven years. He urged Council to keep the skate park open to allow a safe place for the youth in Lodi to go.
- Andrew Kidd stated that he is employed at the Lodi Skate Park. He reported that a new plate for one of the skate ramp spines was received on Monday. It has been installed and found to substantially decrease the sound of skate boards rolling over the surface.

Council Member Hansen pointed out that the City subsidizes other sports programs that youth participate in, and considering that there are now 645 youth members visiting the skate park on a monthly basis, the subsidy that Spohn Ranch is requesting is comparable with other programs.

In reply to questions posed by Council Member Hansen, Mr. Lee stated that with the help of Mr. Cunnington's associates with metal grinding and plastic dipping businesses, staff of the skate park could remove, transport, and reinstall the plates. He indicated that it was something they would like to do, as well as other possible alternatives to decrease the noise level. He stated that special events would be held only on Saturdays and would end at 4:00 p.m. He anticipated having a special event occur one time a month and they would face the speakers away from resident's homes. He stated that if at the end of a year it appears the park will not be successful, Spohn Ranch would not burden the Council with another request for a subsidy. He hoped that through sharing of revenues from the pro shop, at the end of the year, the subsidy amount would be greatly reduced. He reported that 80% of Spohn Ranch's overhead is employee cost.

Mayor Hitchcock recalled that promises were made before, yet nothing has changed. She cautioned against changing the items agreed to previously in the contract, which were made to protect the residents of the surrounding area. She was opposed to subsidizing a private business, particularly when it would be at a detriment to the neighborhood. She felt that the Parks and Recreation Commission should have made a recommendation regarding the Lodi Skate Park at Kofu Park.

Council Member Land requested that Spohn Ranch submit a quarterly progress report and that the contract be written so that either party can get out of it within 30 days.

Addressing the Mayor, Mr. Lee countered that it is a public skate park and the subsidy is, in essence, to hire security and protect the City's assets. Supervision ensures that unsafe behavior does not occur, which could result in a lawsuit against the City. He reiterated that failure to date is due to the Parks and Recreation Director denying event permits and threatening to revoke the contract because information flyers included the name of Action Park Alliance, which is where the web site, live camera, and all information about the facility is located.

Mayor Hitchcock preferred that the City maintain an "arms length" distance if the contract is retained.

Council Member Beckman was also opposed to subsidizing a private business; however, he stated that it appears as though the Parks and Recreation Director's past actions were an impediment to the business succeeding. He voiced support for a one-year subsidy.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, authorized a one-year contract effective January 1, 2004 through December 31, 2004, with Spohn Ranch, providing a \$59,800 subsidy, continuing with free admission to the skate park, and requesting that quarterly progress reports be provided to the City by Spohn Ranch. The motion carried by the following vote:

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

Noes: Council Members – Mayor Hitchcock

Absent: Council Members – None

I-7 "Direct City Manager regarding Finance Department office space and authorize the City Manager to execute or reject necessary contracts and agreements" was ***pulled from the agenda pursuant to staff's request.***

I-8 "Discussion regarding proposed audit (agreed-upon procedures) of Envision Law Group's billings by the City's Auditor"

Council Member Hansen reported that he had been working on this matter and has not yet completed his research. Due to the late hour he recommended that it be rescheduled to the next regularly scheduled City Council meeting.

MOTION / VOTE:

There was no Council action taken on this matter.

I-9 "Progress report of City Council Team Building Interviews"

Council Member Land reported the he and Mr. Hansen have interviewed five potential candidates to facilitate City Council team-building sessions. They have narrowed down the candidates to Bill Mathis of Mathis and Associates who would charge between \$5,000 to \$6,000 and Dale Edwards of Century Assembly Church who would provide the service free of charge. Both candidates recommended that the City Manager participate in the team-building sessions as well. Mr. Land noted that each of the candidates has a different approach and he suggested that they be invited to the next regularly scheduled City Council meeting to provide a ten-minute presentation.

Council Member Hansen stated that the team-building sessions would take place over a two-day period, either two consecutive Saturdays, or Friday and Saturday.

Mayor Hitchcock stated that the team consists of the Council and all three Council appointees and recommended that they also attend.

MOTION/ VOTE:

There was no Council action taken on this matter.

J. ORDINANCES – None

None.

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

- Council Member Land reported that at the last San Joaquin County Partnership meeting there was a lengthy discussion on proposed mitigation fees for the county. The county is proposing a traffic mitigation fee and a public facility fee. If the fees are implemented they would add a 17% increase in fees for building a single-family residence and 21% for a multi-family residence. Still pending are additional fees for mitigating the loss of agricultural land and addressing air quality. Mr. Land noted that if Lodi does not participate in these fees by the county they could amend the City's tax sharing contract. San Joaquin County Partnership has done a comparative analysis report on this matter. Mr. Land asked that this topic be placed on a future Shirtsleeve Session as soon as possible.

Council Member Land stated that he and his wife recently took infant CPR classes and he encouraged others to do so as well.

Council Member Land recalled that in the early 1990s during budget difficulties Council took a 10% pay cut to \$450 a month. He suggested that the same be done now and asked that the matter be placed on the December 17 City Council agenda for discussion. He thanked employees who participated in the Voluntary Time Off Program and asked Deputy City Manager Keeter to relay his gratitude to employees.

- Mayor Pro Tempore Howard announced that the San Joaquin Council of Governments is now located at 555 East Weber Avenue in Stockton. Ms. Howard stated that she welcomed 120 Tokay High School students this morning who were participating in the Student Problem Identification Resolving It Together (SPIRIT) program. The program takes place over a two-day period and participants will identify problems and areas for improvement at Tokay High School, determine resolutions and make recommendations to the principal. Twenty five students will be elected to a governing board and meet on a monthly basis with the principal to continue to work toward the goals.
- Council Member Hansen reported that yesterday he attended the Community Partnership meeting. Lodi is one of three Community Partnership sites that have coordinated county agencies and are working together to provide assistance to families.
- Mayor Hitchcock thanked Ms. Hennecke's second grade class at Reese Elementary School and Mrs. Hood's class and all of the third grade classes at Washington Elementary School who sent her notes regarding a recent presentation she provided them at the Carnegie Forum. She reminded citizens that a representative from Senator Pochigian's office would be at the Forum tomorrow from 1:00 to 4:30 p.m.

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

None.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned in memory of Police Partner Bill Chandler at 1:21 a.m., Thursday, November 6, 2003.

ATTEST:

Susan J. Blackston  
City Clerk