



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: October 5, 2011

Time: Closed Session 5:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Randi Johl, City Clerk
Telephone: (209) 333-6702

6:55 p.m. Invocation/Call to Civic Responsibility. Invocations/Calls may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. These are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the beliefs or views of any speaker.

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Conference with Stephen Schwabauer, City Attorney, and Dean Gualco, Human Resources Manager (Labor Negotiators), Regarding Unrepresented Executive Management, Lodi City Mid-Management Association, Unrepresented Confidential Employees, AFSCME General Services and Maintenance & Operators, International Brotherhood of Electrical Workers, Fire Mid-Managers, and Lodi Professional Firefighters Pursuant to Government Code §54957.6
- b) Conference with Stephen Schwabauer, City Attorney (Labor Negotiator), Regarding Police Mid-Managers, Lodi Police Officers Association, and Lodi Police Dispatchers Association Pursuant to Government Code §54957.6
- c) Actual Litigation: Government Code Section 54956.9(a); One Case; Ashley St. Clair, Individually and as Guardian Ad Litem for Jose Vargas, Jr., a Minor v. Robert Lee Hindmarsh, City of Lodi, et al., San Joaquin County Superior Court, Case No. 39-2011-00260663-CU-PASTK
- d) Actual Litigation: Government Code §54956.9(a); One Case; Dean Newhall v. City of Lodi, et al., U.S. District Court, Eastern District of California No. 2:11-CV-00579-GEB-KJN
- e) Government Code Section 54956.9(b)(c); Exposure to Litigation; Ross Dress for Less v. City of Lodi Regarding Alleged Utility Overcharges

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll Call

B. Presentations

- B-1 Domestic Violence Awareness Month Proclamation
- B-2 Lodi Fire Department Pink October Breast Cancer Awareness Month Fundraiser Proclamation (FD)
- B-3 Fire Prevention Month Proclamation (FD)
- B-4 Firefighter Muscular Dystrophy Association "Fill the Boot" Fundraiser Proclamation (FD)
- B-5 Public Power Week Proclamation (EUD)
- B-6 National Arts & Humanities Month Proclamation (PRCS)

C. Consent Calendar (Reading; Comments by the Public; Council Action)

- C-1 Receive Register of Claims in the Amount of \$11,519,744.35 (FIN)
- C-2 Approve Minutes (CLK)
 - a) September 6, 2011 (Shirtsleeve Session)
 - b) September 7, 2011 (Regular Meeting)
 - c) September 13, 2011 (Shirtsleeve Session)
 - d) September 20, 2011 (Shirtsleeve Session)
 - e) September 20, 2011 (Special Meeting)
 - f) September 21, 2011 (Regular Meeting)
 - g) September 27, 2011 (Shirtsleeve Session)
- C-3 Approve Specifications and Authorize Advertisement for Bids for Removal of 41 Modesto Ash Trees (PW)
- Res. C-4 Adopt Resolution Rejecting Non-Responsive Bids, Authorizing the City Manager to Execute Contract for Transit Station Facility Improvement Project with Diede Construction, of Lodi (\$124,624.50), and Appropriating Funds (\$19,000) (PW)
- Res. C-5 Adopt Resolution Authorizing the City Manager to Execute Two-Year Contract for Elevator Services with Elevator Services Company, of North Highlands (\$21,468.66), and to Negotiate and Extend Contract for an Additional Two-Year Term (PW)
- Res. C-6 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement for Harney Lane Grade Separation Design Project with Mark Thomas & Company, of Sacramento (\$1,529,473), and Appropriating Funds (\$1,630,737) (PW)
- Res. C-7 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement with WGR Southwest, Inc., of Lodi, for Storm Drainage Permit Compliance Services (\$30,925) (PW)
- Res. C-8 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement for Fixed Network Software Modifications with Vertex Business Services Holdings LLC, of Bend, Oregon (\$116,250), and Appropriating Funds (\$150,000) (PW)
- Res. C-9 Adopt Resolution Authorizing the City Manager to Execute a Two-Year Professional Services Agreement with Z-Global Engineering and Energy Solutions, of Folsom, for Compliance Services with Administration by the Electric Utility Director (\$103,800) (EUD)
- Res. C-10 Adopt Resolution Approving the Master Lease Agreement with the Lodi Grape Festival and National Wine Show Association for Use of Various Festival Ground Facilities (\$21,000) (PRCS)
- Res. C-11 Adopt Resolution Authorizing the City Manager to Execute Improvement Deferral Agreement for 21 East Elm Street (PW)
- C-12 Accept Improvements Under Contract for DeBenedetti Park (G-Basin) Storm Drain Improvements Project (PW)
- Res. C-13 Adopt Resolution Approving River Parkways Grant Application (CM)
- C-14 Receive Report Regarding Communications Pertaining to ABx1 41 (Solorio) and Assembly Bill 1391 (Bradford) (CLK)
- C-15 Approve New Location for the Lodi Arts Commission Meetings (PRCS)
- C-16 Set Public Hearing for October 19, 2011, to Introduce an Ordinance Establishing a Fee Recovery Schedule for the Lodi Energy Theft Diversion Program (EUD)
- C-17 Set Public Hearing for October 19, 2011, to Introduce an Ordinance Amending Chapter 13.20, "Electrical Service," by Repealing and Reenacting Section 13.20.225, "Schedule NEM – Net Energy Metering Rider," and Section 13.20.227, "Schedule CEM – Co-Energy Metering Rider" (EUD)
- C-18 Set Public Hearing for October 19, 2011, to Consider the Planning Commission's Recommendation to Certify the 2010-16 Housing Element and Adopt an Interim Ordinance (CD)

D. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

E. Comments by the City Council Members on Non-Agenda Items

F. Comments by the City Manager on Non-Agenda Items

G. Public Hearings

- Res. G-1 Public Hearing to Consider Adopting Resolution Approving Harney Lane Specific Plan and Certifying Negative Declaration as Adequate Environmental Documentation for Harney Lane Specific Plan (PW)
- Res. G-2 Public Hearing to Consider Adoption of Resolution Levying Annual (2012) Assessment for Downtown Lodi Business Improvement Area No. 1 and Confirming the Downtown Lodi Business Partnership 2011 Annual Report as Approved by Council on August 17, 2011 (CM)
- Ord. G-3 Public Hearing to Consider Amendments and Introduce Ordinance Amending Lodi Municipal Code Chapter 16.40 – Reimbursements for Construction – by Repealing and Reenacting Section 16.40.050, "Reimbursement Agreements," in Its Entirety (PW)
(Introduce)

H. Communications

- H-1 Appointment to the Lodi Arts Commission and Re-Post for Vacancies on the Lodi Animal Advisory Commission, Lodi Arts Commission, and Site Plan and Architectural Review Committee (CLK)

I. Regular Calendar

- I-1 Direct Staff Regarding the Phase 3 Grape Bowl Improvements Project (PW)
- I-2 Discuss and Provide Direction Regarding Amendments to City Council Protocol Manual Sections 7.4 (Use of City Letterhead) and 7.9 (League of California Cities Communications) (CLK)

J. Ordinances – None

K. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Randi Johl
City Clerk