

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 3, 2010**

- C-1 Call to Order / Roll Call - N/A
- C-2 Announcement of Closed Session - N/A
- C-3 Adjourn to Closed Session - N/A
- C-4 Return to Open Session / Disclosure of Action - N/A
- A. Call to Order / Roll call

The Regular City Council meeting of March 3, 2010, was called to order by Mayor Katzakian at 7:02 p.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Absent: None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

- B. Pledge of Allegiance
- C. Presentations
- C-1 Awards - None
- C-2 Proclamations - None
- C-3 Presentations - None
- D. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Mounce made a motion, second by Mayor Pro Tempore Hitchcock, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

- D-1 Receive Register of Claims in the Amount of \$2,381,567.84 (FIN)

Claims were approved in the amount of \$2,381,567.84.

- D-2 Approve Minutes (CLK)

The minutes of February 16, 2010 (Shirtsleeve Session) and February 23, 2010 (Shirtsleeve Session) were approved as written.

D-3 Approve Plans and Specifications and Authorize Advertisement for Bids for 2010 Storm Drain Improvements Project (PW)

Approved the plans and specifications and authorized advertisement for bids for 2010 Storm Drain Improvements Project.

D-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Municipal Service Center Compressed Natural Gas Fueling Station Improvements Project Funded with Transit Grant and Transportation Development Act Funds (PW)

Approved the plans and specifications and authorized advertisement for bids for Municipal Service Center Compressed Natural Gas Fueling Station Improvements Project funded with Transit Grant and Transportation Development Act funds.

D-5 Approve Plans and Specifications and Authorize Advertisement for Bids for White Slough Water Pollution Control Facility Bio-Solids Dewatering Facility Funded with 2007 Bond Proceeds (PW)

Council Member Hitchcock pulled this item for further discussion.

Public Works Director Wally Sandelin and Deputy Public Works Director Charlie Swimley provided a brief presentation regarding the bids for the White Slough Water Pollution Control Facility in relation to bio-solid dewatering. Specific topics of discussion included State mandates and requirements, land application usage, disposal of bio-solids, and contracting with a company for disposal.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated there may have been a calculation error at the time the COPs were issued, which allowed for sufficient revenues to provide emergency improvements.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated the City obtained financing based on reports and various project requirements, the intent was to do as much as possible with the proceeds, and the options are to use the remainder of the proceeds or collapse the amount into retiring the debt.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated the report was prepared to achieve certain standards through a variety of improvements and everything on the plan was done with some funds remaining.

In response to Mayor Pro Tempore Hitchcock, Mr. Schwabauer stated the current order from the Regional Board does not require the City to build a facility, although it is clear that we will need to improve the facility because the State Board has concluded Title 27 requirements apply to storage and disposal. Mr. Schwabauer stated he would be surprised if the new permit issued upon the conclusion of the appeal did not include such a requirement.

In response to Mayor Pro Tempore Hitchcock, Mr. Swimley stated the City has been generating more bio-solids than it can dispose of for many years, the proposed action will help with eliminating bio-solid levels in lagoons, Flag City is 2% of the overall flow, and regardless of Flag City the City would have needed to address bio-solids disposal.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin and Mr. King stated Flag City spent \$6 million to buy in to the system, an outside engineer confirmed there was sufficient capacity, and Flag City did pay a connection fee and impact fees which were incorporated into the debt

service for its share.

In response to Council Member Johnson, Mr. Schwabauer stated a new permit should be received within six to eight months, the City will need to do a background nitrate study, and the study will need to be presented to the Regional Board before the permit is issued. Mr. Schwabauer stated that regardless of the study outcome, the City is still generating more bio-solids than it can dispose of.

In response to Mayor Katzakian, Mr. Schwabauer stated the study establishes a baseline before facility construction and the study outcomes could become the new permit requirements.

In response to Mayor Pro Tempore Hitchcock, Mr. Swimley stated there is sufficient capacity in the treatment plant; however, there is not proper bio-solid storage capacity.

In response to Council Member Johnson, Mr. Swimley confirmed that there was a cost for disposal of \$225,000 for 500 tons and after the facility is constructed the City will be spending \$200,000 annually for disposal of nine hundred tons.

In response to Mayor Katzakian, Mr. Swimley stated the City will be saving money because the City will be hauling less weight out for disposal.

In response to Council Member Hansen, Mr. Swimley stated he expects that within a permit or two, based on the regulatory environment and groundwater conditions, bio-solids application will no longer be permitted.

Robin Rushing spoke in opposition to the proposed recommendation because he did not want to spend money if it is not required.

Council Member Hansen made a motion, second by Mayor Katzakian, to approve plans and specifications and authorize advertisement for bids for White Slough Water Pollution Control Facility Bio-Solids Dewatering Facility funded with 2007 bond proceeds.

VOTE:

The above motion failed by the following vote:

Ayes: Council Member Hansen, and Mayor Katzakian

Noes: Council Member Johnson, Council Member Mounce, and Mayor Pro Tempore Hitchcock

Absent: None

D-6 Approve Plans and Specifications and Authorize Advertisement for Bids for All-Weather Surface Installation Project at the Grape Bowl, 221 Lawrence Avenue (PW)

This item was pulled for further discussion by Council Member Mounce.

Council Member Mounce stated that, to be consistent with her previous action on this subject matter, she will not be voting in favor of the recommendation based on her previously stated concerns about the field.

Robin Rushing spoke in opposition to the proposed recommendation based on his concerns about the safety of individuals using the field and additional studies on the subject matter.

Council Member Hansen made a motion, second by Council Member Johnson, to approve plans and specifications and authorize advertisement for bids for the all-weather surface installation project at the Grape Bowl, 221 Lawrence Avenue.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, and Mayor Katzakian

Noes: Council Member Mounce, and Mayor Pro Tempore Hitchcock

Absent: None

D-7 Approve Specifications and Authorize Advertisement for Bids for Maintenance of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2010/11 (PW)

Approved the specifications and authorized advertisement for bids for maintenance of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2010/11.

D-8 Approve Specifications and Authorize Advertisement for Bids for Traffic Signal Preventive Maintenance and Repair Program, Fiscal Year 2010/11 (PW)

Approved specifications and authorized advertisement for bids for Traffic Signal Preventive Maintenance and Repair Program, Fiscal Year 2010/11.

D-9 Adopt Resolution Authorizing Additional Task Order with Treadwell & Rollo Regarding PCE/TCE Cleanup (\$167,000) and Appropriating Funds (\$180,000) (PW)

This item was pulled for further discussion by Council Member Johnson.

In response to Council Member Johnson, Public Works Director Wally Sandelin stated the extension is necessary because the term of the prior task order is due to expire this month and the delay was due to the completion of the design and bid package being behind schedule approximately one year, although the project is not expected to take the entire year.

Council Member Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2010-24 authorizing additional task order with Treadwell & Rollo regarding PCE/TCE cleanup in the amount of \$167,000 and appropriating funds in the amount of \$180,000.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

D-10 Adopt Resolution Authorizing Transportation Manager to Execute Agreement with Google Transit for Free Pilot Program Online Transit Trip Planning Tool (PW)

Adopted Resolution No. 2010-23 authorizing the Transportation Manager to execute agreement with Google Transit for free pilot program online transit trip planning tool.

D-11 Set Public Hearing for March 17, 2010, to Approve the Draft 2010/11 Action Plan and the Reallocation of Available Funding for the Community Development Block Grant Program (CD)

Set public hearing for March 17, 2010, to approve the draft 2010/11 Action Plan and the reallocation of available funding for the Community Development Block Grant Program.

D-12 Set Public Hearing for March 17, 2010, to Consider Resolution Approving Contractual

Consumer Price Index Based Annual Adjustment to Rates for Solid Waste Collection (PW)

Set public hearing for March 17, 2010, to consider resolution approving contractual Consumer Price Index-based annual adjustment to rates for solid waste collection.

E. 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.

Stephen Bojorques, representing the Red Circle, a Native American non-profit organization, thanked the City Council for allowing grant funds to be provided through the Arts Commission and invited the public to the Native American Pow-Wow to be held at Oak Grove Park on Father's Day.

John Connelly spoke in opposition to the water meter installations based on his concerns about the Ham Lane water main connections and service from the backyard being moved to the front yard. Mr. Connelly will follow-up on his concerns with Public Works staff.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated there will be unique circumstances for some property owners and they are encouraged to contact the Public Works Department to resolve any concerns they may have.

Lee Elwood spoke in opposition to the installation of water meters based on his concerns regarding service remaining in the backyard for certain properties with mains over six inches.

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

Council Member Hansen reported on his attendance at the Federal Policy Forum in Washington DC with American Public Power Association and the Commission meeting for San Joaquin Council of Governments. Specific topics of discussion included hydro, coal, and solar portfolios, trimming projects based on reduction in sales tax, and ongoing Highway 12 improvements.

Council Member Mounce suggested that staff look into the ability to televise future shirtsleeve sessions on cable television.

In response to Council Member Johnson, Council Member Hansen stated large hydro is not considered green energy generation because of the offsetting mitigation to the environment and specifically to the fish and the counter argument is that it is green energy and credit should be given.

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

None.

H. Public Hearings

H-1 Public Hearing to Consider Report for Sidewalk Repairs and to Confirm the Report as

Submitted by the Public Works Department (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Katzakian called for the public hearing to consider Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department.

City Manager King provided a brief introduction to the subject matter of the public hearing for the sidewalk repairs report.

Public Works Director Wally Sandelin provided a presentation regarding the sidewalk repair report and specifically discussed the four properties in question, payment for the services provided, notifications, lien on properties for non-payment, and recommendation to place liens.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated the difference in costs for the properties is associated with the frontage and square footage of the concrete.

In response to Council Member Johnson, Mr. Sandelin stated the Streets Division was behind in collection and placement of liens. Mr. Schwabauer stated staff can tighten the time line for notification and the placement of liens for liability purposes.

In response to Council Member Mounce, Mr. Sandelin stated staff will follow-up with the property on Central Street and Elm and Garfield as suggested.

Mayor Katzakian opened the public hearing to receive public comment.

Paul Castro, the property owner at 831 Earhardt Drive, spoke in opposition to the proposed recommendation based on fairness in the notification process, the time period allowed for improvements, and the lack of express authorization to make the improvements by the City.

Mayor Katzakian closed the public hearing after receiving no further public comment.

In response to Council Member Hansen, Mr. Sandelin stated the process includes a first, formal, and final notice. Mr. Sandelin stated the process takes 45 to 60 days and a 25% administration charge is applied to cover the notification, lien, and construction process with the consent of Council.

In response to Council Member Hansen, Mr. Sandelin stated the City corrects City-owned tree damage and sidewalk damage usually in the right-of-way, the Streets Division does the actual work, and the property owner is given at least 45 to 60 days to do the work.

Mayor Pro Tempore Hitchcock made a motion, second by Council Member Johnson, to confirm the Report for Sidewalk as submitted by the Public Works Department and determined that Notices of Lien for the four properties be turned over to the Tax Collector.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

I. Communications

I-1 Claims Filed Against the City of Lodi - None

I-2 Appointments

- a) Appointment to Greater Lodi Area Youth Commission (Adult Advisor): Nicole Grauman (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, to make the following appointment:

Greater Lodi Area Youth Commission (Adult Advisor)
Nicole Grauman, Term to expire May 31, 2011

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

- b) Post for Expiring Terms and Vacancies on the Greater Lodi Area Youth Commission and Lodi Arts Commission (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, to direct the City Clerk to post for the following expiring terms and vacancies:

Greater Lodi Area Youth Commission
(Adult Advisor)

David Molvik, Term to expire May 31, 2010

(Student Appointees)

Evan Beau Benko, Term to expire May 31, 2010

Shelby Gotelli, Term to expire May 31, 2010

Joshua Gums, Term to expire May 31, 2010

Mykenzie Mattheis, Term to expire May 31, 2010

Emily McConahey, Term to expire May 31, 2010

Priyank Patel, Term to expire May 31, 2011

Lodi Arts Commission

Jennifer Walth, Term to expire July 1, 2012

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

I-3 Miscellaneous - None

J. Regular Calendar

- J-1 Consider Accepting Gift of Sculpture, "Rite of Spring," from Artist Scott Wampler (COM)

City Manager King and Community Center Director Jim Rodems provided a brief introduction to the subject matter of the art sculpture.

David Kirsten provided a description and history of the sculpture along with the recommendation of the Art in Public Places (AiPP) Board for acceptance, funding, and placement of the sculpture.

In response to Mayor Pro Tempore Hitchcock, Mr. Kirsten stated a volunteer storage facility is available and the artist decided to donate the piece to the City of Lodi based on his Google search of the community's connection to cranes.

In response to Council Member Johnson, Mr. Kirsten stated he believes the difference in cost is the pad installation which was not considered in the bid, estimates were based on previous projects, the sculpture weighs 2,400 pounds, costs proposed are worst case scenario, and AiPP funds are available for the donation.

In response to Council Member Mounce, Mr. Rodems stated AiPP and Parks and Recreation did not have a specific recommendation as to the location for the placement of the piece; although, there was discussion about placing it in either Roget Park or DeBenedetti Park.

In response to Council Member Hansen, Mr. Kirsten stated most community activities for the Sand Hill Crane Festival occur at Hutchins Street Square which may be another location for the piece, the base height for the piece will depend upon the final location, and it can be passed onto the Arts Commission for site selection.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated the item can be forwarded to the AiPP Board for site selection and brought back to the City Council for final approval.

In response to Council Member Johnson, Mr. Kirsten stated he is not sure if the artist has contacted other communities about the donation but he believes the decision to donate the piece instead of selling it is based upon costs for storage.

Council Member Johnson made a motion, second by Mayor Pro Tempore Hitchcock, to accept the gift of sculpture, "Rite of Spring," from artist Scott Wampler and refer the matter to the Arts in Public Places Board and the Lodi Arts Commission for a recommendation on the site location for placement.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

J-2 Receive Report Regarding Status of Mobile Food Vendor Enforcement Efforts (CM)

City Manager King provided a brief introduction to the subject matter of the mobile food vendors.

Police Chief David Main and Support Services Manager Jeanie Biskup provided a PowerPoint presentation regarding the mobile food vendor ordinance status. Specific topics of discussion included background information, mobile vendor permit process, quarterly inspections, ongoing enforcement, and conclusions.

In response to Council Member Johnson, Ms. Biskup stated enforcement includes an administrative citation, assessment of fees, and pulling of the permit.

In response to Council Member Johnson, Ms. Biskup stated in most cases the vendors want to be

in compliance, there are approximately 20 permitted mobile food vendors, and the challenge is to keep them meeting the requirements.

In response to Council Member Johnson, Ms. Biskup stated most mobile food vendors have written approval of the secondary business they are associated with.

In response to Mayor Pro Tempore Hitchcock, Ms. Biskup stated staff believes the current enforcement efforts are sufficient and effective.

In response to Mayor Pro Tempore Hitchcock, Ms. Biskup stated restroom requirements are for employees because customers cannot be on site for more than 15 minutes.

In response to Mayor Pro Tempore Hitchcock, Chief Main stated Community Improvement Officers are doing the enforcement, while Partners can assist with permitting and licensing.

In response to Council Member Hansen, Ms. Biskup stated there was one citation on Valentine's Day and contact was made with local businesses that had extended products that were encroaching out of the permitted area.

J-3 Introduce Ordinance Amending Lodi Municipal Code Title 15 - Buildings and Construction - by Repealing and Reenacting Chapter 15.60, "Flood Damage Prevention," and Further Amending Lodi Municipal Code Title 17 - Zoning - by Repealing Chapter 17.51 in its Entirety Relating to FP, Floodplain District (PW)

City Manager King and Public Works Director Wally Sandelin gave a brief presentation regarding the proposed ordinance, stating the ordinance is standard and implements Federal Emergency Management Agency requirements regarding floodplains.

Mayor Pro Tempore Hitchcock made a motion, second by Council Member Mounce, to introduce Ordinance No. 1829 amending Lodi Municipal Code Title 15 - Buildings and Construction - by repealing and reenacting Chapter 15.60, "Flood Damage Prevention," and further amending Lodi Municipal Code Title 17 - Zoning - by repealing Chapter 17.51 in its entirety relating to FP, Floodplain District.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

K. Ordinances - None

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:30 p.m.

ATTEST:

Randi Johl
City Clerk