

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 20, 2013**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of March 20, 2013, was called to order by Mayor Nakanishi at 6:45 p.m.

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

Absent: None

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

C-2 Announcement of Closed Session

- a) Prospective Lease of City Property Located at 125 South Hutchins Street, Lodi, CA, for Camp Hutchins and Adult Day Care Programs; the Negotiating Parties are Lodi Health and the City of Lodi; Price and Terms of the Lease are under Negotiation; Government Code §54956.8

C-3 Adjourn to Closed Session

At 6:45 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:55 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Nakanishi reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following action.

Item C-2 (a) was discussion only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of March 20, 2013, was called to order by Mayor Nakanishi at 7:00 p.m.

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

Absent: None

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

B. Presentations

B-1 Keep Lodi Beautiful Month Proclamation (CD)

Mayor Nakanishi presented a proclamation to Neighborhood Services Manager Joseph Wood declaring the month of April 2013 as "Keep Lodi Beautiful Month" in the City of Lodi.

B-2 Quarterly Update from the Greater Lodi Area Youth Commission (PRCS)

Emily Yamane and MJ Sidhu, members of the Greater Lodi Area Youth Commission, gave an

update on the activities and accomplishments of the Commission.

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

Council Member Mounce made a motion, second by Mayor Pro Tempore Katzakian, 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 Katzakian, and Mayor Nakanishi

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$10,850,106.42 (FIN)

Claims were approved in the amount of \$10,850,106.42.

C-2 Approve Minutes (CLK)

The minutes of March 5, 2013 (Shirtsleeve Session), March 6, 2013 (Regular Meeting), and March 12, 2013 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Stockton Street Improvements (PW)

Approved the plans and specifications and authorized advertisement for bids for Stockton Street Improvements.

C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for 2013 Asphalt Rubber Cape Seal Project, Various Streets (PW)

Approved the plans and specifications and authorized advertisement for bids for 2013 Asphalt Rubber Cape Seal Project, Various Streets.

C-5 Approve Plans and Specifications and Authorize Advertisement for Bids for Alley Improvement Project - Phase 4 (PW)

Council Member Mounce made a motion, second by Mayor Pro Tempore Katzakian, to approve the plans and specifications and authorize advertisement for bids for Alley Improvement Project - Phase 4.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Abstentions: Council Member Mounce

Absent: None

C-6 Accept Improvements Under Contract for Roget Park Improvements, 2229 Tienda Drive (PW)

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

In response to Council Member Johnson, Mr. Bartlam stated there is a shared boundary between Roget Park and the Eden Senior Housing Project. Mr. Bartlam confirmed that the area referenced for improvement is the responsibility of the project developer and the fence will not remain.

Council Member Johnson made a motion, second by Mayor Pro Tempore Katzakian, to accept the improvements under contract for Roget Park Improvements, 2229 Tienda Drive.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-7 Adopt Resolution Awarding Contract for 2013 GrapeLine Bus Stop Improvements to A.M. Stephens Construction Company, Inc., of Lodi (\$117,396.25) (PW)

Adopted Resolution No. 2013-34 awarding contract for 2013 GrapeLine Bus Stop Improvements to A.M. Stephens Construction Company, Inc., of Lodi, in the amount of \$117,396.25.

C-8 Adopt Resolution Awarding Contract for Lodi Transit Station Concrete Pavement Project, 28 South Sacramento Street, to A.M. Stephens Construction, Inc., of Lodi (\$117,417.60), and Appropriating Funds (\$61,000) (PW)

Adopted Resolution No. 2013-35 awarding contract for Lodi Transit Station Concrete Pavement Project, 28 South Sacramento Street, to A.M. Stephens Construction, Inc., of Lodi, in the amount of \$117,417.60, and appropriating funds in the amount of \$61,000.

C-9 Adopt Resolution Authorizing the City Manager to Execute Task Order No. 25 of the Master Professional Services Agreement for PCE/TCE Cleanup with Treadwell & Rollo, a Langan Company, of San Francisco (\$23,500), and Appropriating Funds (\$28,000) (PW)

Adopted Resolution No. 2013-36 authorizing the City Manager to execute Task Order No. 25 of the Master Professional Services Agreement for PCE/TCE cleanup with Treadwell & Rollo, a Langan Company, of San Francisco, in the amount of \$23,500, and appropriating funds in the amount of \$28,000.

C-10 Adopt Resolution Authorizing the City Manager to Execute Agreements with the Following Entities for the Water Meter Program Phase 3 Project and Appropriating Funds (\$3,164,200): a) Awarding Water Meter Installation Contract to Knife River Construction, of Stockton (\$2,898,200); b) Task Order No. 5 with RMC Water and Environment, of Walnut Creek, for Engineering Services (\$36,000); and c) Neil O. Anderson and Associates, of Lodi, for Construction Testing and Inspection Services (\$300,000) (PW)

Adopted Resolution No. 2013-37 authorizing the City Manager to execute agreements with the following entities for the Water Meter Program Phase 3 Project and appropriating funds in the amount of \$3,164,200: a) awarding water meter installation contract to Knife River Construction, of Stockton, in the amount of \$2,898,200; b) Task Order No. 5 with RMC Water and Environment, of Walnut Creek, for engineering services in the amount of \$36,000; and c) Neil O. Anderson and Associates, of Lodi, for construction testing and inspection services in the amount of \$300,000.

C-11 Adopt Resolution Authorizing the City Manager to Execute Professional Services

Agreement with Empire Today, LLC, of Union City, through U.S. Communities Bid Process for City Hall Carpet Replacement Project (\$70,780) and Appropriating Funds (\$80,000) (PW)

Adopted Resolution No. 2013-38 authorizing the City Manager to execute Professional Services Agreement with Empire Today, LLC, of Union City, through U.S. Communities bid process for City Hall Carpet Replacement Project in the amount of \$70,780 and appropriating funds in the amount of \$80,000.

C-12 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement for Purchase and Installation of Alerton Energy Mangement System for Carnegie Forum with Sole Supplier L & H Airco, of Roseville (\$117,950), and Appropriating Funds (\$130,000) (PW)

Adopted Resolution No. 2013-39 authorizing the City Manager to execute Professional Services Agreement for purchase and installation of Alerton Energy Mangement System for Carnegie Forum with sole supplier L & H Airco, of Roseville, in the amount of \$117,950, and appropriating funds in the amount of \$130,000.

C-13 Adopt Resolution Approving Contract Amendment Agreement with AECOM Technical Services for the Development of the Climate Action Plan (CD)

Adopted Resolution No. 2013-40 approving contract amendment agreement with AECOM Technical Services for the development of the Climate Action Plan.

C-14 Adopt Resolution Authorizing the City Manager to Sign a Lease Agreement with Lodi Health for Operation of Camp Hutchins Day Care Program (PRCS)

Items C-14 and C-15 were pulled by a member of the public for further discussion.

Ed Miller spoke in regard to his concerns about Hutchins Street Square operating in the black instead of red with respect to C-14 and C-15. Mr. Bartlam provided a brief overview of the issues at hand including the expired lease, adult day care now paying for utilities and interior maintenance at a net to the City, and the Camp Hutchins proposed rental amount based on market value per square foot.

Doug Cheney spoke in opposition to the proposed lease based on concerns about recovering the City's costs associated with the rental of the space by Lodi Health for operating Camp Hutchins.

Suzann Limb spoke in favor of the proposed lease with Lodi Health based on the benefits of the Camp Hutchins program for families in the community.

Council Member Johnson made a motion, second by Mayor Pro Tempore Katzakian, to adopt Resolution No. 2013-44 authorizing the City Manager to sign a lease agreement with Lodi Health for operation of Camp Hutchins Day Care Program.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-15 Adopt Resolution Authorizing the City Manager to Sign a Lease Agreement with Lodi

Health for Operation of the Adult Day Care Program at Hutchins Street Square (PRCS)

Council Member Johnson made a motion, second by Mayor Pro Tempore Katzakian, to adopt Resolution No. 2013-45 authorizing the City Manager to sign a lease agreement with Lodi Health for operation of the Adult Day Care Program at Hutchins Street Square.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-16 Adopt Resolution Authorizing the City Manager to Execute Master Service Agreement for Software Services with Spinnaker Support, LLC, of Denver, CO (\$31,250) (CM)

Adopted Resolution No. 2013-41 authorizing the City Manager to execute Master Service Agreement for software services with Spinnaker Support, LLC, of Denver, CO, in the amount of \$31,250.

C-17 Adopt Resolution Approving Administrative Fire Captain Assignment Side Letter Amending the 2012-2013 Memorandum of Understanding Between the City of Lodi and the Lodi Professional Firefighters (CM)

Adopted Resolution No. 2013-42 approving Administrative Fire Captain Assignment Side Letter amending the 2012-2013 Memorandum of Understanding between the City of Lodi and the Lodi Professional Firefighters.

C-18 Adopt Resolution of Intention to Disestablish the Downtown Lodi Business Improvement District Area No. 1 and Set Public Hearing for April 17, 2013, to Consider Introducing an Ordinance to Repeal Lodi Municipal Code Chapter 12.06 to Disestablish the Downtown Lodi Business Improvement Area No. 1 (CA)

Adopted Resolution No. 2013-43 of intention to disestablish the Downtown Lodi Business Improvement District Area No. 1 and set public hearing for April 17, 2013, to consider introducing an ordinance to repeal Lodi Municipal Code Chapter 12.06 to disestablish the Downtown Lodi Business Improvement Area No. 1.

C-19 Set Public Hearing for May 15, 2013, to Consider Adopting Resolution Setting Pre-Approved Engineering News Record Adjustment Index for Wastewater Rates for Residential, Commercial, and Industrial Customers (PW)

This item was pulled for further discussion by a member of the public.

John Slaughterback spoke in regard to his concerns about recovering funds that may have been lost due to a reduction in developer impact fees and its affect on the rates.

Council Member Mounce made a motion, second by Council Member Johnson, to set the public hearing for May 15, 2013, to consider adopting resolution setting pre-approved Engineering News Record adjustment index for wastewater rates for residential, commercial, and industrial customers.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

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. Public comment may only be made on matters within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3I). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

Clifford Weaver spoke in regard to his concerns about transit operating times and the transit reservation system. In response to Council Member Mounce, Mr. Bartlam stated a transit-related meeting can be scheduled in the near future to discuss the application process for disability certification and other related transit matters.

Vincent Sayles spoke in regard to the benefits of physical exercise and staying healthy.

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

Council Member Mounce reported on her attendance at a recent League of California Cities meeting and explained the importance of preserving Enterprise Zones.

Mayor Nakanishi commended the volunteers and underwriters of the Bethel Church crab feed for hosting such a successful event.

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

City Manager Bartlam wished Mayor Nakanishi a Happy Birthday on behalf of staff.

G. Public Hearings

G-1 Public Hearing to Approve Draft 2013/14 Action Plan for the Community Development Block Grant Program (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the public hearing to consider approving the Draft 2013/14 Action Plan for the Community Development Block Grant (CDBG) Program.

Neighborhood Services Manager Joseph Wood provided a PowerPoint presentation regarding the CDBG Action Plan. Specific topics of discussion included the estimated allocation, application process, funding availability, public service funding, draft action plan, and next steps.

In response to Council Member Johnson, Mr. Wood stated the \$40,000 amount for graffiti abatement is based on average time and costs for removal in the target area and any funds that are not used for services must be reallocated toward a project.

In response to Council Member Hansen, Mr. Wood stated he spoke to the Deputy Director at County Health Services in charge of the Meals-on-Wheels program and they are still reviewing the feasibility of operating the program based on a recent review by the Commission on Aging.

In response to Council Member Hansen, Mr. Wood confirmed that the fair housing mandate must be met through CDBG funding or the General Fund.

In response to Council Member Mounce, Mr. Wood confirmed that Fair Housing scored 74, it did rate higher in previous years, and it would not qualify otherwise based on its current rating number.

Mayor Nakanishi opened the public hearing.

The following individuals spoke in opposition to funding the spay and neuter and graffiti removal program. They spoke in support of funding programs that provide basic needs to families including food, shelter, health care, and utility assistance:

Francisco Trujillo
Maria Rosas
Maria Luisa Rufino
Irena Velasco
Shanelle Brady
Doug Cheney
Bob Wetzel

Dale Gillespie, representing Loel Center, spoke in support of the CDBG allocation to the Loel Center for its capital improvement project.

Mayor Nakanishi closed the public hearing.

In response to Council Member Johnson, Mr. Wood stated Community Partnership did not apply for CDBG funds this year. Mr. Trujillo indicated the agency did not apply because the funds were largely already allocated to spay and neuter and graffiti removal.

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2013-46 approving Draft 2013/14 Action Plan for the Community Development Block Grant Program.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

G-2 Public Hearing to Consider Adopting Resolution Approving Contractual Consumer Price Index Based Annual Adjustment to Rates for Solid Waste Collection (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 Nakanishi called for the public hearing to consider adopting resolution approving contractual Consumer Price Index based annual adjustment to rates for solid waste collection.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding the proposed adjustment to the solid waste collection rates and specifically discussed the existing contract, Consumer Price Index (CPI) adjustment factor, County gate fees, and example rate information.

Mayor Nakanishi opened the public hearing and receiving no comments closed the public hearing.

Council Member Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2013-47 approving contractual Consumer Price Index based annual adjustment to rates for solid waste collection.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

G-3 Public Hearing to Consider Introducing an Ordinance Amending Lodi Municipal Code Chapter 13.20 - Electrical Service - by Repealing and Reenacting Section 13.20.315, "Schedule EDR - Economic Development Rates," in Its Entirety (EUD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the public hearing to consider introducing an ordinance amending Lodi Municipal Code Chapter 13.20 - Electrical Service - by repealing and reenacting Section 13.20.315, "Schedule EDR - Economic Development Rates," in its entirety.

Business Development Manager Rob Lechner provided a brief PowerPoint presentation regarding the proposed amendment to the ordinance and specifically discussed the existing economic development rates, current participation, and proposed changes.

In response to Council Member Hansen, Mr. Lechner stated currently there is a 50-50 split between businesses who are contacting staff for the incentive information before they hire new employees versus after they hire new employees.

In response to Mayor Pro Tempore Katzakian, Mr. Lechner and Mr. Bartlam confirmed that the goal is to remain flexible with respect to incentives and discounts so as to best serve the need of the business whether that is in hook-up costs or an overall rate discount.

In response to Council Member Johnson, Mr. Lechner stated staff continues to review options for assistance from an economic perspective for businesses including when a customer increases their load capacity and goes from one tier to another.

In response to Mayor Nakanishi, Mr. Lechner reviewed the names of the 13 new businesses from the past year.

Mayor Nakanishi opened the public hearing and receiving no comment closed the public hearing.

Council Member Johnson made a motion, second by Council Member Mounce, to introduce Ordinance No. 1872 amending Lodi Municipal Code Chapter 13.20 - Electrical Service - by repealing and reenacting Section 13.20.315, "Schedule EDR - Economic Development Rates," in its entirety.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor

Pro Tempore Katakian, and Mayor Nakanishi
Noes: None
Absent: None

G-4 Public Hearing to Consider Introducing an Ordinance Amending Lodi Municipal Code Chapter 13.20 - Electrical Service - by Adding Section 13.20.325, "Schedule EV - Electric Vehicle Pilot Charging Rate" (EUD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the public hearing to consider introducing an ordinance amending Lodi Municipal Code Chapter 13.20 - Electrical Service - by adding Section 13.20.325, "Schedule EV - Electric Vehicle Pilot Charging Rate."

Business Development Manager Rob Lechner provided a brief PowerPoint presentation regarding the proposed ordinance and specifically discussed the proposed electric vehicle charging rate and times and the purpose of the pilot program.

In response to Council Member Mounce, Mr. Lechner stated it is \$250 to install the additional meter and there may be a need for different stations if the 220v and 110v charge is not compatible.

A brief discussion ensued amongst Council Member Hansen, Mr. Bartlam, and Mr. Lechner regarding the preferred time period for the discount so as to not affect peak load hours.

In response to Mayor Pro Tempore Katakian, Mr. Lechner stated the Tier 1 residential rate is approximately 11.1. Mr. Bartlam stated the potential of abuse may exist and staff will watch the numbers accordingly.

Mayor Nakanishi opened the public hearing.

Ed Miller spoke in regard to his concerns about costs associated with the program and the potential for abuse.

Mayor Nakanishi closed the public hearing after receiving no additional public comments.

In response to Mayor Nakanishi, Mr. Lechner and Mr. Bartlam confirmed that there are no additional costs associated with the program other than staff time and the seven public charging stations in the City were grant funded.

Council Member Mounce made a motion, second by Council Member Hansen, to introduce Ordinance No. 1873 amending Lodi Municipal Code Chapter 13.20 - Electrical Service - by Adding Section 13.20.325, "Schedule EV - Electric Vehicle Pilot Charging Rate" with the amended hours of 8:00 p.m. to 6:00 a.m. and the flat rate of Tier 1 for residential.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Katakian, and Mayor Nakanishi

Noes: None

Absent: None

H. Communications

H-1 Monthly Protocol Account Report (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, to approve the cumulative Monthly Protocol Account Report through February 28, 2013.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I. Regular Calendar

- I-1 Introduce Ordinance Repealing and Reenacting Lodi Municipal Code Chapter 9.12, "Fires, Firearms and Fireworks," in Its Entirety; and Further Repealing and Reenacting Chapter 9.13, "Sale of Fireworks," in Its Entirety (CA)

City Attorney Schwabauer provided a brief overview of the proposed amendments to the ordinance as set forth in the Council Communication.

In response to Council Member Mounce, Fire Marshal Gene Stoddart stated the number of citations from illegal fireworks before and after the implementation of the ordinance have remained approximately the same. Mr. Bartlam stated the primary benefit of the program is that it does provide some funding for illegal fireworks enforcement.

Council Member Hansen made a motion, second by Council Member Johnson, to introduce Ordinance No. 1874 repealing and reenacting Lodi Municipal Code Chapter 9.12, "Fires, Firearms and Fireworks," in its entirety; and further repealing and reenacting Chapter 9.13, "Sale of Fireworks," in its entirety.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 10:05 p.m., in memory of Lodi resident Robin Rushing who passed away on March 19, 2013.

ATTEST:

Randi Johl
City Clerk