

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 1, 2013**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of May 1, 2013, was called to order by Mayor Nakanishi at 6:30 p.m.

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

Absent: Council Member Hansen

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

C-2 Announcement of Closed Session

- a) Potential Initiation of Litigation: Government Code Section 54956.9(d)(4); City of Lodi v. San Joaquin County Regarding Property Tax Administration Fee
- b) Prospective Sale of Current Fire Station No. 2 Property Located at 705 East Lodi Avenue, Lodi, CA; the Negotiating Parties are Wayne Craig for J-C General Engineering, Inc. and Rad Bartlam for the City of Lodi; Price and Terms of the Sale Are Under Negotiation; Government Code §54956.8

C-3 Adjourn to Closed Session

At 6:30 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:45 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 actions.

In regard to Item C-2 (a), the City Council provided direction to pursue the collection of interest on the delinquent property tax administration fee recently paid by the County to the City.

In regard to Item C-2 (b), the City Council provided direction to accept the offer of \$375,000 for the sale of the current Fire Station #2 site subject to certain negotiating conditions. The matter will come back to the City Council for formal action.

A. Call to Order / Roll Call

The Regular City Council meeting of May 1, 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 Walk for the Health of It Day Proclamation (CLK)

Mayor Nakanishi presented proclamation to Jill De Herrera, Executive Administrative Assistant with Lodi Memorial Hospital Foundation, and Tracy Williams with the LOEL Center proclaiming Saturday, May 11, 2013, as "Walk for the Health of It Day" in the City of Lodi.

B-2 Bike to Work Week Proclamation (PW)

Mayor Nakanishi presented proclamation to Michael Caponio, Executive Director of the San Joaquin Bicycle Coalition, proclaiming May 13-17, 2013, as "Bike to Work Week" in the City of Lodi.

B-3 Peace Officers' Memorial Month Proclamation (PD)

Mayor Nakanishi presented proclamation to Police Chief Mark Helms proclaiming the month of May 2013 as "Peace Officers' Memorial Month" in the City of Lodi.

B-4 Presentation Regarding Youth Energy Summit (EUD)

Rob Lecher, Business Development Manager, gave a presentation regarding the Youth Energy Summit.

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

Mayor Nakanishi made a motion, second by Council Member Johnson, 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 \$7,563,964.97 (FIN)

Claims were approved in the amount of \$7,563,964.97.

C-2 Approve Minutes (CLK)

The minutes of April 16, 2013 (Shirtsleeve Session), April 17, 2013 (Regular Meeting), and April 23, 2013 (Shirtsleeve Session) were approved as written.

C-3 Accept the Quarterly Investment Report as Required by the City of Lodi Investment Policy (CM)

Accepted the quarterly investment report as required by the City of Lodi Investment Policy.

C-4 Accept the Quarterly Report of Purchases Between \$10,000 and \$20,000 (CM)

Accepted the quarterly report of purchases between \$10,000 and \$20,000.

C-5 Approve Specifications and Authorize Advertisement for Bids to Procure Padmount

Transformers (EUD)

Approved the specifications and authorized advertisement for bids to procure padmount transformers.

C-6 Approve Specifications and Authorize Advertisement for Bids to Procure Wood Poles (EUD)

Approved the specifications and authorized advertisement for bids to procure wood poles.

C-7 Adopt Resolution Awarding Contract for 2013 Asphalt Rubber Cape Seal Project, Various City Streets, to Intermountain Slurry Seal, Inc, of French Camp (\$811,118), and Appropriating Funds (\$850,000) (PW)

Adopted Resolution No. 2013-67 awarding contract for 2013 Asphalt Rubber Cape Seal Project, Various City Streets, to Intermountain Slurry Seal, Inc, of French Camp, in the amount of \$811,118, and appropriating funds in the amount of \$850,000.

C-8 Adopt Resolution Awarding Contract for Katakian Park Restroom Repair Project to Poser Construction, of Lodi (\$14,000) (PW)

Adopted Resolution No. 2013-68 awarding contract for Katakian Park Restroom Repair Project to Poser Construction, of Lodi, in the amount of \$14,000.

C-9 Adopt Resolution Rejecting Single Bid, Approving Plans and Specifications and Authorizing Re-Advertisement for Bids for the Hutchins Street Square Pool Refinishing Project (PW)

In response to Council Member Mounce, Parks, Recreation and Cultural Services Director Jeff Hood confirmed that the pool lining and chlorination will be completed as soon as possible based upon the contractor's availability.

Adopted Resolution No. 2013-69 rejecting single bid, approving plans and specifications, and authorizing re-advertisement for bids for the Hutchins Street Square Pool Refinishing Project.

C-10 Accept Improvements Under Contract for 2011 Asphalt Rubber Cape Seal Project (PW)

Accepted the improvements under contract for 2011 Asphalt Rubber Cape Seal Project.

C-11 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement for Wireless Microwave Link to White Slough Water Pollution Control Facility with A-1 Wireless, Inc., of Folsom (\$25,914.17) (PW)

Adopted Resolution No. 2013-70 authorizing the City Manager to execute Professional Services Agreement for wireless microwave link to White Slough Water Pollution Control Facility with A-1 Wireless, Inc., of Folsom, in the amount of \$25,914.17.

C-12 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement for Band Screen Chain and Side Seal Tracking and Field Services for the White Slough Water Pollution Control Facility with Sole Source, JWC Environmental, of Costa Mesa (\$60,880) (PW)

Adopted Resolution No. 2013-71 authorizing the City Manager to execute Professional Services Agreement for band screen chain and side seal tracking and field services for the White Slough

Water Pollution Control Facility with sole source, JWC Environmental, of Costa Mesa, in the amount of \$60,880.

C-13 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement for Boiler Inspection, Cleaning, and Repair at White Slough Water Pollution Control Facility with R.F. MacDonald Company, of Modesto (\$44,715) (PW)

Adopted Resolution No. 2013-72 authorizing the City Manager to execute Professional Services Agreement for boiler inspection, cleaning, and repair at White Slough Water Pollution Control Facility with R.F. MacDonald Company, of Modesto, in the amount of \$44,715.

C-14 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement for Rental and Installation of Generator for the White Slough Water Pollution Control Facility with Holt of California, of West Sacramento (\$37,900.68) (PW)

Adopted Resolution No. 2013-73 authorizing the City Manager to execute Professional Services Agreement for rental and installation of generator for the White Slough Water Pollution Control Facility with Holt of California, of West Sacramento, in the amount of \$37,900.68.

C-15 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement for Design of Library Renovation Phase 3 Project with WMB Architects, of Stockton (\$29,805), and Appropriating Funds (\$35,000) (PW)

Mayor Nakanishi pulled this item for further discussion.

In response to Mayor Nakanishi, Mr. Bartlam confirmed that the project is being funded from the Library's trust fund account and donations.

Mayor Nakanishi made a motion, second by Council Member Johnson, to adopt Resolution No. 2013-82 authorizing the City Manager to execute Professional Services Agreement for design of Library Renovation Phase 3 Project with WMB Architects, of Stockton, in the amount of \$29,805, and appropriating funds in the amount of \$35,000.

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 Professional Services Agreement for City of Lodi Short-Range Transit Plan Update with LSC Transportation Consultants, Inc., of Tahoe City (\$29,925) (PW)

Adopted Resolution No. 2013-74 authorizing the City Manager to execute Professional Services Agreement for City of Lodi Short-Range Transit Plan Update with LSC Transportation Consultants, Inc., of Tahoe City, in the amount of \$29,925.

C-17 Adopt Resolution Authorizing the City Manager to Execute Project Architect Agreement for Design of Fire Station No. 2 Replacement Project with Mary McGrath Architects, of Oakland (\$309,829), and Appropriating Funds (\$340,000) (PW)

Council Member Johnson pulled this item for further discussion.

In response to Council Member Johnson, Mr. Bartlam confirmed that modular construction is being considered and reviewed as a part of the design options.

In response to Mayor Nakanishi, Mr. Bartlam stated the total project cost of approximately \$3.5 million is being funded by the General Fund capital account and the public facilities debt refinance savings.

Mayor Nakanishi made a motion, second by Council Member Johnson, to adopt Resolution No. 2013-83 authorizing the City Manager to execute project architect agreement for design of Fire Station No. 2 Replacement Project with Mary McGrath Architects, of Oakland, in the amount of \$309,829, and appropriating funds in the amount of \$340,000.

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

C-18 Adopt Resolution Authorizing the City Manager to Execute Improvement Deferral Agreement for 32 East Tokay Street (PW)

Adopted Resolution No. 2013-75 authorizing the City Manager to execute Improvement Deferral Agreement for 32 East Tokay Street.

C-19 Adopt Resolution Approving the Northern California Power Agency (NCPA) Agreement Regarding the Use and Non-Disclosure of Information for NCPA Projects and Authorizing Execution by the City Manager (EUD)

Council Member Johnson pulled this item for further discussion.

In response to Council Member Johnson, City Attorney Schwabauer stated the proposed agreement is a result of the banking crisis and additional safeguards through insider trading laws. Mr. Schwabauer stated that, despite the existing laws that already prevent insider trading behavior, the proposed agreement is required for all Northern California Power Agency participating agencies.

Council Member Hansen made a motion, second by Mayor Pro Tempore Katakian, to adopt Resolution No. 2013-84 approving the Northern California Power Agency (NCPA) agreement regarding the use and non-disclosure of information for NCPA projects and authorizing execution by the City Manager.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Johnson

Absent: None

C-20 Adopt Resolution Authorizing the City Manager to Execute an Agreement with Macias, Gini, & O'Connell, LLP for Auditing Services for the Fiscal Years Ending June 30, 2013, 2014, and 2015 (CM)

Council Member Mounce commended Deputy City Manager Ayers on his tough negotiating skills,

resulting in a cost savings to the City for auditing services over the next two years.

Adopted Resolution No. 2013-76 authorizing the City Manager to execute an agreement with Macias, Gini, & O'Connell, LLP for auditing services for the fiscal years ending June 30, 2013, 2014, and 2015.

C-21 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)

Adopted Resolution No. 2013-77 approving the master lease agreement with the Lodi Grape Festival and National Wine Show Association for use of various Festival ground facilities in the amount of \$21,000.

C-22 Adopt Resolution Approving Activity Guide Printing Agreement with Casey Printing, Inc., of King City, for Fiscal Year 2013/14 (\$22,145.52) (PRCS)

Adopted Resolution No. 2013-78 approving Activity Guide printing agreement with Casey Printing, Inc., of King City, for fiscal year 2013/14 in the amount of \$22,145.52.

C-23 Adopt Resolution Appropriating \$1,850 from the Art in Public Places Fund for Work Related to the Library Bike Rack Project (PRCS)

Adopted Resolution No. 2013-79 appropriating \$1,850 from the Art in Public Places fund for work related to the Library bike rack project.

C-24 Adopt Resolution Approving CalPERS Employer Paid Member Contributions (CM)

Adopted Resolution No. 2013-80 approving CalPERS employer paid member contributions.

C-25 Receive Report on Resolution of Public Works Emergency Requiring the Immediate Repair of Blakely Pool Circulation System (PRCS)

Received report on resolution of Public Works emergency requiring the immediate repair of Blakely Pool circulation system.

C-26 Authorize the Mayor, on Behalf of the City Council, to Send a Letter of Support for AB 1229 (Atkins) and a Letter of Opposition to AB 325 (Alejo) (CLK)

Authorized the Mayor, on behalf of the City Council, to send a letter of support for AB 1229 (Atkins) and a letter of opposition to AB 325 (Alejo).

C-27 Adopt Resolution of Intent to Vacate Pedestrian Access Between Holly Drive and Daisy Avenue, East of Ham Lane, and Set Public Hearing for June 5, 2013 (PW)

Adopted Resolution No. 2013-81 of intent to vacate pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane, and set public hearing for June 5, 2013.

C-28 Set Public Hearing for May 15, 2013, to Consider Revisions to the Growth Management Ordinance by Expiring Unused Allocations and Suspending the Required Schedule (CM)

Set public hearing for May 15, 2013, to consider revisions to the Growth Management ordinance by expiring unused allocations and suspending the required schedule.

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 6.3l). 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.

Maria Rosado, WorkNet Manager for Lodi, invited the City Council to attend an event on May 17, 2013, featuring Amy Young from the Department of Labor and a community meeting on May 29, 2013.

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

Council Member Johnson commended the Police Department on its successful gun buy back program and event.

Council Member Hansen reported on his attendance at the Northern California Power Agency related Federal Policy Conference in Washington, D.C., stating cyber security was the main topic of concern.

Council Member Mounce reported on her attendance at the League of California Cities' Legislative Action Days and related Board Meeting and discussed the message received from Governor Jerry Brown and CalPERS CEO Anne Stausboll.

Mayor Pro Tempore Katzakian reported on his attendance at the San Joaquin Council of Governments' One Voice trip to Washington, D.C. and the various meetings held with the Congressional representatives of the County.

Mayor Nakanishi reported on his attendance at the San Joaquin Delta Coalition meeting to oppose the construction of a tunnel.

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

City Manager Bartlam invited the City Council and the public to attend an Open House on May 11, 2013, for the new surface water treatment facility adjacent to Lodi Lake.

G. Public Hearings

G-1 Public Hearing to Consider Introducing an Ordinance Amending Lodi Municipal Code Chapter 13.20 - Electrical Service - by Adding Section 13.20.330, "Schedule IE - Industrial Equipment 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 13.20.330, "Schedule IE - Industrial Equipment Pilot Charging Rate."

Rob Lechner, Business Development Manager, provided a PowerPoint presentation regarding the Industrial Equipment (IE) Pilot Charging Rate. Specific topics of discussion included the history of the charging rate, proposed new rate, distribution reliability, economic development tool, potential customer demand, and the proposed timing for the rate.

In response to Council Member Johnson, Mr. Lechner stated a charging meter costs approximately \$1,000 to \$1,200. Mr. Lechner stated if the program is successful it can be extended after 2015 and if it is unsuccessful the incentive rates can fall back to the existing amount.

In response to Council Member Mounce, Mr. Lechner stated he is hopeful that there will be some businesses in town that will want to take advantage of the program.

In response to Mayor Pro Tempore Katzakian, Mr. Lechner stated he is aware of at least four companies that may be interested in the program and hours may be adjusted based on operational needs and peak demand.

Mayor Nakanishi opened the public hearing to receive public comment.

Ed Miller spoke in support of the program based on bottom line savings to companies who can take advantage of the incentive rates for set times or elect to stay on their current rate structure.

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

In response to Council Member Hansen, Mr. Lechner stated he is hopeful that more than one customer will take advantage of the program, which has prospered since its original inception many years ago.

Council Member Johnson made a motion, second by Council Member Mounce, to introduce Ordinance No. 1876 amending Lodi Municipal Code Chapter 13.20 - Electrical Service - by adding Section 13.20.330, "Schedule IE - Industrial Equipment Pilot Charging Rate."

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 a Resolution Approving the Final 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 adopting a resolution approving the Final 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. Mr. Wood specifically discussed the estimated allocation amount, proposed recipients, and the process for conducting the public hearing.

In response to Council Member Hansen, Mr. Wood stated the window replacement project is for the Housing Authority's six-unit apartment complex in the City.

Mayor Nakanishi opened the public hearing to receive public comment.

Hazel Jackson spoke in support of the Trap, Neuter and Release program and provided statistics regarding the same.

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

Council Member Mounce made a motion, second by Council Member Hansen, to adopt Resolution No. 2013-85 approving the Final 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

H. Communications

H-1 Post for Expiring Terms on the Library Board of Trustees, Lodi Arts Commission, and Planning Commission (CLK)

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

Library Board of Trustees

Terry Costa, term to expire June 30, 2013

Scot Martin, term to expire June 30, 2013

Lodi Arts Commission

Annalisa Sharp Babich, term to expire July 1, 2013

Planning Commission

Bill Cummins, term to expire June 30, 2013

Debbie Olson, term to expire June 30, 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 - None

J. Ordinances

J-1 Adopt Ordinance No. 1875 Entitled, "An Ordinance of the City Council of the City of Lodi Rescinding Ordinance No. 1654, Disestablishing the Downtown Lodi Business Improvement Area No. 1 and Discontinuing the Levy of a Special Business Tax Therein" (CLK)

Council Member Mounce made a motion, second by Mayor Pro Tempore Katzakian, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1875 entitled, "An Ordinance of the City Council of the City of Lodi Rescinding Ordinance No. 1654, Disestablishing the Downtown Lodi Business Improvement Area No. 1 and Discontinuing the Levy of a Special Business Tax Therein," which was introduced at a regular

meeting of the Lodi City Council held April 17, 2013.

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

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:20 p.m.

ATTEST:

Randi Johl
City Clerk