

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 5, 2013**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of June 5, 2013, was called to order by Mayor Nakanishi at 6:00 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

C-2 Announcement of Closed Session

- a) Prospective Option to Lease City Property (20± Acres Adjacent to White Slough Water Pollution Control Facility, Located at 12745 North Thornton Road, Lodi, CA); the Negotiating Parties are PG&E and the City of Lodi; Price and Terms of the Lease are Under Negotiation; Government Code §54956.8
- b) Prospective Lease of City Property Located at 125 South Hutchins Street, Lodi, CA, for Senior Center; the Negotiating Parties are LOEL Foundation 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 6:00 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matters. 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 actions.

Items C-2 (a) and C-2 (b) were both discussion and direction only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of June 5, 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 Presentation of Certificate of Recognition to University of California San Joaquin Master Gardeners for Maintaining the Downtown Flower Pots (CLK)

Mayor Nakanishi presented proclamation to Kathy Grant and other volunteers in recognition of

the UC San Joaquin Master Gardeners for maintaining the Downtown flower pots.

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

Council Member Hansen 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 \$6,513,625.60 (FIN)

Claims were approved in the amount of \$6,513,625.60.

C-2 Approve Minutes (CLK)

The minutes of May 14, 2013 (Shirtsleeve Session), May 15, 2013 (Regular Meeting), May 21, 2013 (Shirtsleeve Session), May 21, 2013 (Special Meeting), and May 28, 2013 (Shirtsleeve Session) were approved as written.

C-3 Adopt Resolution Rejecting All Bids and Authorizing Re-Advertisement for Bids for the Purchase of Wood Utility Poles (EUD)

Adopted Resolution No. 2013-93 rejecting all bids and authorizing re-advertisement for bids for the purchase of wood utility poles.

C-4 Adopt Resolution Approving Purchase of Padmount Transformers from HEES Enterprises, Inc., of Astoria, Oregon (\$201,469.68) (EUD)

Adopted Resolution No. 2013-94 approving purchase of padmount transformers from HEES Enterprises, Inc., of Astoria, Oregon, in the amount of \$201,469.68.

C-5 Adopt Resolution Rejecting Non-Responsive Bid, Awarding Contract for 2013/14 Landscape Maintenance of Miscellaneous Areas and Lodi Consolidated Landscape Assessment District No. 2003-1 to Dominguez Landscape Services, Inc., of Sacramento (\$190,639.40 Annually), and Authorizing Public Works Director to Execute Extensions (Pending Budget Approval) (PW)

Adopted Resolution No. 2013-95 rejecting non-responsive bid, awarding contract for 2013/14 Landscape Maintenance of Miscellaneous Areas and Lodi Consolidated Landscape Assessment District No. 2003-1 to Dominguez Landscape Services, Inc., of Sacramento, in the amount of \$190,639.40 annually, and authorizing Public Works Director to execute extensions pending budget approval.

C-6 Adopt Resolution Awarding Contract for Alley Improvement Project - Phase 4 to A. M. Stephens Construction Company, Inc., of Lodi (\$151,356.75) (Pending Budget Approval) (PW)

Council Member Mounce pulled this item for further discussion and stated she will be abstaining

from the vote because she lives within 300 feet of the project area.

In response to Council Member Mounce, Public Works Director Wally Sandelin stated alleys are selected for improvement in conjunction with the water meter program. Mr. Sandelin stated the alley near the yogurt shop received several requests for improvement from nearby property owners because it is heavily used.

Council Member Johnson made a motion, second by Mayor Pro Tempore Katzakian, to adopt Resolution No. 2013-99 awarding contract for Alley Improvement Project - Phase 4 to A.M. Stephens Construction Company, Inc., of Lodi, in the amount of \$151,356.75 pending budget approval.

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-7 Adopt Resolution Awarding Two-Year Contract for Janitorial Services for City Facilities to ABM Services, Inc., of Modesto (\$255,903.16), and Authorizing the City Manager to Execute Contract Changes and Extensions (Pending Budget Approval) (PW)

Adopted Resolution No. 2013-96 awarding two-year contract for janitorial services for City facilities to ABM Services, Inc., of Modesto, in the amount of \$255,903.16, and authorizing the City Manager to execute contract changes and extensions pending budget approval.

C-8 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement with ICR Refrigeration, Inc., of Lodi, for Citywide Heating, Ventilation and Air Conditioning Maintenance Services on City Facilities (\$75,000) and Authorizing Public Works Director to Execute Extension (PW)

Adopted Resolution No. 2013-97 authorizing the City Manager to execute Professional Services Agreement with ICR Refrigeration, Inc., of Lodi, for Citywide heating, ventilation and air conditioning maintenance services on City facilities in the amount of \$75,000 and authorizing Public Works Director to execute extension.

C-9 Authorize City Attorney to Issue "Comfort Letter" to and Authorize City Manager to Execute License Agreement with RH Mullen Company, L.P., for Installation of Monitoring Wells at 1431 South Stockton Street (PW)

Authorized the City Attorney to issue "comfort letter" to and authorized the City Manager to execute license agreement with RH Mullen Company, L.P., for installation of monitoring wells at 1431 South Stockton Street.

C-10 Adopt Resolution Authorizing the City Manager to File Claim for 2012/13 Transportation Development Act Funds in the Amount of \$1,683,712 from Local Transportation Fund and \$224,737 from State Transit Assistance Fund (PW)

Mayor Nakanishi pulled this item for further discussion.

In response to Mayor Nakanishi, Public Works Director Wally Sandelin provided a brief overview of federal funds received for the project, stating the monies may only be used for operating the

fixed route, Dial-A-Ride, and paratransit systems and not for construction.

Mayor Nakanishi made a motion, second by Council Member Mounce, to adopt Resolution No. 2013-100 authorizing the City Manager to file claim for 2012/13 Transportation Development Act funds in the amount of \$1,683,712 from Local Transportation Fund and \$224,737 from State Transit Assistance fund.

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-11 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-12 Receive Report Regarding Final Costs for the November 6, 2012, General Municipal Election (CLK)

Received report regarding final costs for the November 6, 2012, General Municipal Election.

C-13 Receive Report Regarding Communications Pertaining to Assembly Bills 5, 325, 537, 574, and 1229 and Senate Bills 33 and 64 (CLK)

Received report regarding communications pertaining to Assembly Bills 5, 325, 537, 574, and 1229 and Senate Bills 33 and 64.

C-14 Adopt Resolution of Intent to Vacate Right-of-Way Easement Located at 2223 West Kettleman Lane and Set Public Hearing for July 17, 2013 (PW)

Adopted Resolution No. 2013-98 of intent to vacate right-of-way easement located at 2223 West Kettleman Lane and set public hearing for July 17, 2013.

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.

John Slaughterback spoke in regard to the City making an effort to specifically inform citizens about the ability to make large purchases in town for sales tax generation purposes.

Vincent Sayles spoke in regard to maintaining a healthy lifestyle through a variety of measures.

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

Mayor Nakanishi invited citizens to attend the next Town Hall meeting on June 20, 2013, regarding community public safety.

Council Member Mounce commended those involved with the annual Relay for Life event, passed along a citizen compliment for Public Works employee Tom Evans, and suggested that Jack Fiori be recognized for his efforts with the Grape Bowl.

Council Member Hansen reported on his attendance at the Northern California Power Agency meeting and specifically discussed hydro dams and related environmental costs and Highway 12 improvements.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Adopting Resolution Vacating Pedestrian Access Between Holly Drive and Daisy Avenue, East of Ham Lane (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 vacating pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane.

Public Works Director Wally Sandelin provided a brief overview of the proposed vacation of the pedestrian access as set forth in the Council Communication.

In response to Council Member Mounce, Mr. Sandelin stated the only concern received was from a family next door and the City Council also received the subject email from that family.

In response to Council Member Hansen, City Attorney Schwabauer confirmed that after the vacation the subject area would become private property and be fenced off by the property owner accordingly.

In response to Mayor Nakanishi, City Manager Bartlam stated the land was not originally purchased by the City but rather dedicated as a part of the subdivision. He stated the land itself does not have value for the City due to its location and size and the fencing of the property will reduce calls for service in response to activity on that land.

In response to Council Member Mounce, Mr. Sandelin stated Public Works will monitor the fencing of the land to ensure it is put up by the property owner.

Mayor Nakanishi opened and closed the public hearing and no public comment was received.

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2013-101 vacating pedestrian access between Holly Drive and Daisy Avenue, east of Ham Lane.

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

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

Greater Lodi Area Youth Commission

Adult Advisors:

Allison McGregor, term to expire May 31, 2013

Student Appointees:

Kristen Schlader, term to expire May 31, 2013

Emma Brink, term to expire May 31, 2013

Michael Kinane, term to expire May 31, 2013

Lauren Youngsma, term to expire May 31, 2013

Jessinia Ahrens, term to expire May 31, 2014

Manjot Sidhu, term to expire May 31, 2014

Anthony Sorbera, term to expire May 31, 2014

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 Adopt Resolution Approving the City of Lodi Financial Plan and Budget for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014, and Approving the Fiscal Year 2013/14 Appropriation Spending Limit (CM)

Deputy City Manager Jordan Ayers provided a PowerPoint presentation regarding the proposed fiscal year 2013/14 budget. Specific topics of discussion included all fund balance, General Fund overview, labor considerations, major capital projects, and recommended action for budget adoption.

In response to Council Member Hansen, Public Works Director Wally Sandelin confirmed that the Sacramento Street capital project is federally funded with new monies received through the San Joaquin Council of Governments' efforts and the project received funding because it was ready to go when the funding opportunity came about.

In response to Council Member Mounce, Mr. Ayers stated the reserve amount shown in the presentation currently includes the approximate \$700,000 that was recently discussed but not specifically set aside for the Other Post Employment Benefit (OPEB) liability. A brief discussion ensued amongst Council regarding the ability to have the full Council consider the set aside at the present time as a part of the budget discussion.

Council Member Mounce expressed her concern about the decrease of positions in parks and streets and the long-term effect on City assets and asked that future budget discussions consider replacing some of those positions.

In response to Council Member Johnson, Mr. Ayers stated the \$1 million set aside for the financial system replacement may cover the entire two-year project but he is not sure because negotiations are currently underway.

In response to Council Member Johnson, Mr. Ayers stated if set aside the \$700,000 would not be placed into a separate restricted account but rather appropriated in the General Fund for OPEB liability purposes.

Discussion ensued amongst the City Council, Mr. Bartlam, and Mr. Ayers regarding the pros and cons of appropriating the \$700,000 in the General Fund for OPEB liability purposes including the process of the set aside, availability of funds after the set aside, and the potential of bringing the matter back for further review and discussion.

Council Member Mounce made a motion, second by Council Member Hansen, to adopt Resolution No. 2013-102 approving the City of Lodi Financial Plan and Budget for the fiscal year beginning July 1, 2013 and ending June 30, 2014, and approving the fiscal year 2013/14 appropriation spending limit with an amendment to include that funds in the amount of \$698,000 be appropriated in the General Fund for Other Post Employment Benefit (OPEB) liability purposes.

VOTE:

The above motion carried by the following vote:

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

Noes: Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Absent: None

I-2 Introduce Ordinance Amending Lodi Municipal Code Title 13 - Public Services - Chapter 13.16, "Solid Waste," by Repealing and Reenacting Section 13.16.050 (A) Relating to Placement of Garbage Containers for Collection Purposes (CA)

City Attorney Steve Schwabauer provided a brief overview of the proposed ordinance amending Chapter 13.16 pertaining to solid waste as set forth in the Council Communication.

Phyllis Hayes and Chris Bodell spoke in regard to their concerns about trash can placement in specific areas being an impediment for the disabled community.

In response to Mayor Nakanishi, Public Works Director Wally Sandelin stated the proposed ordinance is designed to clarify the already existing requirement for trash can placement, Waste Management has sent out related notices in the past, and there is no model ordinance that he is aware of pertaining to this subject.

In response to Council Member Mounce, Mr. Sandelin stated public education efforts will be made and may include utility inserts, website information, and a sticker notification for violations.

Council Member Mounce made a motion, second by Council Member Hansen, to introduce Ordinance No. 1878 amending Lodi Municipal Code Title 13 - Public Services - Chapter 13.16, "Solid Waste," by repealing and reenacting Section 13.16.050 (A) relating to placement of garbage containers for collection purposes.

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

J-1 Adopt Ordinance No. 1877 Entitled, "An Uncodified Ordinance of the City Council of the City of Lodi Revising the Growth Management Ordinance by Expiring Unused Allocations and Suspending the Application Schedule Set Forth in Resolution No. 2006-141 Through December 31, 2019" (CLK)

Council Member Hansen made a motion, second by Council Member Johnson, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1877 entitled, "An Uncodified Ordinance of the City Council of the City of Lodi Revising the Growth Management Ordinance by Expiring Unused Allocations and Suspending the Application Schedule Set Forth in Resolution No. 2006-141 Through December 31, 2019," which was introduced at a regular meeting of the Lodi City Council held May 15, 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

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:30 p.m.

ATTEST:

Randi Johl
City Clerk