

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 1, 2010**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of September 1, 2010, was called to order by Mayor Katzakian at 5:30 p.m.

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

Absent: None

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

C-2 Announcement of Closed Session

- a) Conference with Dean Gualco, Human Resources Manager (Labor Negotiator), Regarding Unrepresented Executive Management, Lodi City Mid-Management Association, Unrepresented Confidential Employees, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, International Brotherhood of Electrical Workers, Fire Mid-Managers, and Lodi Professional Firefighters Pursuant to Government Code §54957.6

C-3 Adjourn to Closed Session

At 5:30 p.m., Mayor Katzakian adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 7:00 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:06 p.m., Mayor Katzakian reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following action.

Item C-2 (a) was discussion and direction only.

A. Call to Order / Roll call

The Regular City Council meeting of September 1, 2010, was called to order by Mayor Katzakian at 7:06 p.m.

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

Absent: None

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

B. Pledge of Allegiance

C. Presentations

- C-1 Presentation of Certificate of Recognition to Lodi Appellation in Regard to the Second Annual Treasure Island Wine Festival, October 10, 2010

Mayor Katzakian presented a Certificate of Recognition to Charlene Lange and representatives of

the wine growers regarding the second annual Treasure Island Wine Festival to be held on October 10, 2010.

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

Council Member Johnson made a motion, second by Council Member Mounce, 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 \$4,101,032.36 (FIN)

Claims were approved in the amount of \$4,101,032.36.

D-2 Approve Minutes (CLK)

The minutes of August 4, 2010 (Regular Meeting), August 17, 2010 (Shirtsleeve Session), August 18, 2010 (Regular Meeting), and August 24, 2010 (Shirtsleeve Session) were approved as written.

D-3 Approve Specifications and Authorize Advertisement for Bids for 25,000 Feet of Insulated with Jacketed Concentric Neutral Underground Cable (\$50,000) (EUD)

Approved the specifications and authorized advertisement for bids for 25,000 feet of insulated with jacketed concentric neutral underground cable.

D-4 Adopt Resolution Authorizing Procurement of Two Padmounted Liquid Insulated Vacuum Switchgear with Fault Interrupters from Trayer Engineering Corporation, of San Francisco, CA (\$72,000) (EUD)

Adopted Resolution No. 2010-150 authorizing the procurement of two padmounted liquid insulated vacuum switchgear with fault interrupters from Trayer Engineering Corporation, of San Francisco, CA, in the amount of \$72,000.

D-5 Adopt Resolution Authorizing the Purchase of Hewlett Packard Mass Storage Device from Entisys Solutions, Inc., of Concord, CA, and Appropriating Funds (\$35,000) (EUD)

Adopted Resolution No. 2010-151 authorizing the purchase of Hewlett Packard mass storage device from Entisys Solutions, Inc., of Concord, CA, and appropriating funds in the amount of \$35,000.

D-6 Adopt Resolution Approving Contracts for Three Public Benefits Programs, Authorizing Execution by the City Manager, and Allocating Funds (\$104,800) (EUD)

Adopted Resolution No. 2010-152 approving contracts for three public benefits programs, authorizing execution by the City Manager, and allocating funds in the amount of \$104,800.

D-7 Adopt Resolution Authorizing the City Manager to Enter into a Professional Services

Agreement for Preliminary Engineering of Westside Substation with Auriga Corporation, of Milpitas, CA (\$147,110) (EUD)

Adopted Resolution No. 2010-153 authorizing the City Manager to enter into a professional services agreement for preliminary engineering of Westside Substation with Auriga Corporation, of Milpitas, CA, in the amount of \$147,110.

D-8 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) (PR)

Adopted Resolution No. 2010-154 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.

D-9 Adopt Resolution Authorizing the City Manager to Extend Use of CALNET2 Contract to Selected Telecommunication Services (CM)

Adopted Resolution No. 2010-155 authorizing the City Manager to extend use of CALNET2 contract to selected telecommunication services.

D-10 Adopt Resolution Authorizing Early Payoff of Loan Contract E54402 in the Amount of \$1,433,395.68 with the State Department of Water Resources and Increasing Appropriations in the Amount of \$1,205,370 (CM)

This item was pulled for further discussion by Mayor Pro Tempore Hitchcock.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated there is a sufficient amount of reserve to allow for the early pay off of the loan, the early pay off will save the taxpayers a significant amount of interest, the early pay off will play a role in future financings, and the early pay off of the loan was taken into account when the rate model was adopted a few months prior.

Mayor Pro Tempore Hitchcock made a motion, second by Council Member Mounce, to adopt Resolution No. 2010-156 authorizing early payoff of Loan Contract E54402 in the amount of \$1,433,395.68 with the State Department of Water Resources and increasing appropriations in the amount of \$1,205,370.

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-11 Adopt Resolution Approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2009/10 (PW)

At the request of Mayor Pro Tempore Hitchcock, this item was continued to the October 6, 2010, City Council meeting for a full staff presentation.

D-12 Approve Capital Improvement Plan for Fiscal Year 2010/11 (PW)

This item was pulled for further discussion by Mayor Pro Tempore Hitchcock.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam confirmed that the City received approximately \$2 million in American Recovery and Reinvestment Act (ARRA) funds, the federal funds may only be used for specified projects, there is no flexibility with the funding, and the projects were energy-related.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated a request was made, but not granted, for ARRA funding in relation to Fire Station No. 2. Mr. Bartlam stated there is no grant funding identified for Fire Station No. 2 at the current time. He stated staff is bringing options for Fire Station No. 2 forward to the City Council in the near future.

Mayor Pro Tempore Hitchcock and Council Member Mounce stated that, while they are in support of the Capital Improvement Plan generally, they will not be voting in favor of the item because they do not believe the \$40 million should be spent for the water treatment plant.

Council Member Hansen made a motion, second by Council Member Johnson, to approve the Capital Improvement Plan for Fiscal Year 2010/11.

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-13 Accept Notice of Draft Amendments to Conflict of Interest Code for the 2010 Calendar Year per Government Code §87306.5 (CA)

Accepted the Notice of Draft Amendments to Conflict of Interest Code for the 2010 calendar year per Government Code §87306.5.

D-14 Set Public Hearing for September 21, 2010, to Consider and Approve the 2009/10 Community Development Block Grant Consolidated Annual Performance and Evaluation Report; and an Amendment of the 2010/11 Action Plan to Accommodate the Reallocation of Unused Community Development Block Grant Funds from the 2009/10 Program Year (CD)

Set public hearing for September 21, 2010, to consider and approve the 2009/10 Community Development Block Grant Consolidated Annual Performance and Evaluation Report; and an amendment of the 2010/11 Action Plan to accommodate the reallocation of unused Community Development Block Grant funds from the 2009/10 program year.

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.

Yvonne Bedsworth spoke in regard to Vinewood Dog Park and her concerns about kids playing near the berm, the need for fencing, the condition of the handicap pathway, and the need for doggie bags to be provided by the City. Mr. Bartlam stated he will contact Ms. Bedsworth after the meeting and address her concerns.

Ray Crow, representing the Chamber of Commerce, presented a certificate to Share Home Adoption on occasion of the organization's 23rd Anniversary.

Bill Estanislau of G&B Development spoke in regard to the status of the fee payment agreement. City Attorney Schwabauer stated the City Council did not accept the offer provided and contact was made with opposing counsel regarding the same.

Robin Rushing commended City staff on its efforts to assist him during the week and on its efforts on the invocation/call to civic responsibility policy.

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

Council Member Hansen reported on his attendance at a variety of meetings including Northern California Power Agency and San Joaquin Council of Governments and specifically discussed the level of service for traffic congestion in the County, Green Pool Project, and SB 375 goals and implementation.

Mayor Pro Tempore Hitchcock asked the City Manager to bring back the matter of the payment of fees prior to issuance of the Certificate of Occupancy for Council consideration.

Council Member Mounce asked City Attorney Schwabauer to bring forward the matter of a local hiring ordinance for Council consideration.

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

Interim City Manager Bartlam reported on the current status of the Grape Bowl facility as it relates to construction and the ability to play on the field in the near future, stating safety is the primary concern and construction is occurring as quickly as possible. Mr. Schwabauer reported that he is working with the contractor and the school district to obtain an indemnification agreement.

H. Public Hearings - None

I. Communications

I-1 Appointment to the Lodi Improvement Committee (CLK)

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

Lodi Improvement Committee

Timothy Litton, Term to expire March 1, 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

J. Regular Calendar

J-1 Adopt Resolution Accepting a Proposal from the Art Advisory Board for a Seward Johnson Sculpture Exhibit in Downtown Lodi for Display from April 2011 through Mid-July 2011 and

Appropriating Funds (\$30,000) (COM)

Interim City Manager Bartlam provided a brief introduction to the subject matter of the proposal from the Art in Public Places (AiPP) Advisory Board.

Interim Parks and Recreation Director Jim Rodems and AiPP Board Member Roger Stafford provided a brief presentation, as outlined in the agenda packet, regarding the proposal to display ten pieces of art as suggested in the downtown area for a three-month period.

In response to Council Members Hansen and Johnson, Mr. Bartlam confirmed that the money for the three-month rental of the ten pieces would come from the AiPP development impact fee fund, which can only be used for art in public places purposes.

In response to Council Member Hansen, Mr. Stafford stated the statues will be chosen based on placement at certain locations and availability.

In response to Mayor Pro Tempore Hitchcock and Council Member Mounce, Mr. Stafford stated the Board did not consider purchasing a single piece permanently versus the rental of ten pieces for a three-month period. Mr. Stafford stated the Board would consider such a suggestion if that was the desire of Council.

Council Member Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2010-157 accepting a proposal from the Art Advisory Board for a Seward Johnson Sculpture Exhibit in Downtown Lodi for display from April 2011 through Mid-July 2011 and appropriating funds in the amount of \$30,000.

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

J-2 Approve Downtown Lodi Business Partnership 2010/11 Annual Report, Adopt Resolution of Intention to Levy Annual Assessment, and Set Public Hearing for October 6, 2010, to Consider the Proposed Assessment (CM)

Interim City Manager Rad Bartlam provided a brief introduction to the subject matter of the annual Downtown Lodi Business Partnership (DLBP) report.

Jaime Watts, Executive Director of the DLBP, provided an overview of the 2010/11 Annual Report as outlined in the agenda packet.

In response to Mayor Katzakian, Ms. Watts stated the rent appears to be less this year because the rent for the storage and the building was separated out into different lines.

In response to Council Member Johnson, Ms. Watts stated the beverage sales income and expenses are about even and the primary income comes from sponsorships.

In response to Council Member Hansen, Ms. Watts stated the assessment number fluctuates based on the number of vacancies and it is looking better this year.

The City Council commended Ms. Watts on her efforts with the farmers' market and the DLBP over the last few years.

June Atwood spoke in opposition to the annual report and assessment based on her concerns regarding the need for DLBP to be self-sufficient and not reliant upon the City. In response to Council Member Hansen, Ms. Atwood stated she was told by the previous owner that her business would be exempt. She also stated there needs to be more participation from DLBP with the individual businesses to encourage shopping in all of downtown.

In response to Council Member Mounce, Mr. Bartlam stated the fully loaded cost of an economic development director would be \$100,000 or more and the current contribution to the DLBP is approximately \$28,000.

In response to Council Member Johnson, Ms. Atwood stated the majority of businesses had other obligations this evening or no longer care to participate.

In response to Council Member Hansen, Mr. Schwabauer stated banks and non-profits are exempt from the assessment.

Council Member Johnson made a motion, second by Council Member Mounce, to approve the Downtown Lodi Business Partnership 2010/11 Annual Report, adopt Resolution No. 2010-158 of Intention to levy annual assessment, and set public hearing for October 6, 2010, to consider the proposed assessment.

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-3 Authorize Staff to Modify Memorandum of Understanding According to Signed Addendum Between the City of Lodi and the Lodi City Mid-Management Association (CM)

Human Resources Manager Dean Gualco provided a brief presentation regarding the modification to the Memorandum of Understanding with the Lodi Mid-Management Association as outlined in the agenda packet.

Council Member Mounce made a motion, second by Council Member Johnson, to authorize staff to modify Memorandum of Understanding according to signed addendum between the City of Lodi and the Lodi City Mid-Management Association.

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-4 Authorize Staff to Modify Memorandum of Understanding According to Signed Addendum Between the City of Lodi and the Lodi Police Dispatchers Association (CM)

Human Resources Manager Dean Gualco provided a brief presentation regarding the modification to the Memorandum of Understanding with the Lodi Police Dispatchers Association as outlined in the agenda packet.

Council Member Hansen made a motion, second by Council Member Mounce, to authorize staff

to modify Memorandum of Understanding according to signed addendum between the City of Lodi and the Lodi Police Dispatchers Association.

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 9:22 p.m.

ATTEST:

Randi Johl
City Clerk