

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, SEPTEMBER 7, 2011**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of September 7, 2011, was called to order by Mayor Johnson at 5:30 p.m.

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

Absent: None

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

C-2 Announcement of Closed Session

- a) Conference with Stephen Schwabauer, City Attorney, and Dean Gualco, Human Resources Manager (Labor Negotiators), Regarding Unrepresented Executive Management, Lodi City Mid-Management Association, Unrepresented Confidential Employees, AFSCME General Services and Maintenance & Operators, International Brotherhood of Electrical Workers, Fire Mid-Managers, and Lodi Professional Firefighters Pursuant to Government Code §54957.6
- b) Conference with Stephen Schwabauer, City Attorney (Labor Negotiator), Regarding Police Mid-Managers, Lodi Police Officers Association, and Lodi Police Dispatchers Association Pursuant to Government Code §54957.6
- c) Government Code Section 54956.9; Actual Litigation; Jeremy Hixson v. City of Lodi and Lodi Unified School District, United States Eastern District Court Case Number 2:10-CV-01128-MCE-GGH

C-3 Adjourn to Closed Session

At 5:30 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:53 p.m.

C-4 Return to Open Session / Disclosure of Action

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

Items C-2 (a), C-2 (b), and C-2 (c) were all discussion only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of September 7, 2011, was called to order by Mayor Johnson at 7:00 p.m.

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

Absent: None

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

B. Presentations

B-1 International Literacy Day Proclamation (LIB)

Mayor Johnson presented a proclamation to Terry Costa, Library Trustee and Literacy Tutor, proclaiming Thursday, September 8, 2011, as "International Literacy Day" in the City of Lodi.

B-2 Presentation Regarding September 11 Remembrance Ceremony and Community Emergency Preparedness Fair (FD)

Interim Fire Chief Dan Haverty informed City Council of the upcoming September 11 Remembrance Ceremony and Community Emergency Preparedness Fair to be held on Saturday, September 10, 2011, from 9:11 a.m. to 1 p.m. at Hutchins Street Square.

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

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

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$8,390,742.35 (FIN)

Claims were approved in the amount of \$8,390,742.35.

C-2 Approve Minutes (CLK)

The minutes of August 16, 2011 (Shirtsleeve Session), August 17, 2011 (Regular Meeting), August 23, 2011 (Shirtsleeve Session), and August 30, 2011 (Shirtsleeve Session) were approved as written.

C-3 Approve Request for Proposals and Authorize Advertisement for Contract Services for the Update and Implementation of the Development Code (CD)

Approved the request for proposals and authorized advertisement for contract services for the update and implementation of the Development Code.

C-4 Approve Request for Proposals and Authorize Advertisement for Contract Services for the Development and Implementation of a Climate Action Plan (CD)

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

City Manager Bartlam provided a brief overview of the proposed request for proposals regarding the development and implementation of a Climate Action Plan as set forth in the Council Communication. Specific topics of discussion included the previous Council policy approvals, the state mandate requiring a Climate Action Plan, the relation of the plan to the General Plan and Development Code, and grant funding to cover plan development and implementation.

In response to Mayor Pro Tempore Mounce, Mr. Bartlam stated the need to do the plan results from SB 375 and AB 32 and if the legislation is overturned, then the plan would not need to be implemented but California Environmental Quality Act requirements would still need to be fulfilled.

In response to Council Member Katzakian, Mr. Bartlam stated the competitive grant was granted through federal Department of Housing and Urban Development funds to the consortium of Central Valley cities, the benefit of the City doing its own plan is that it will have the opportunity to gauge what is in the plan, and the plan will take a year or so to complete.

The following individuals spoke in opposition to the proposed action based on their concerns regarding the City's involvement in the Smart Valley Places Compact, United Nation's Agenda 21, private property owner rights, effect of local businesses, and local sovereignty:

Kathy Polinski  
Ed Miller  
Kim Peragosis  
Don Parsons  
Manuel Martin  
Andy Jensen  
Joyce Dickerson  
Greg Goehring  
Alex Aliferis  
Elaine Bashford  
Mark Wilcox

In response to Council Member Hansen, Mr. Bartlam stated that, with respect to the time line for Agenda Items C-4 and C-14, there is time to pull and bring back C-4 but C-14 has an application deadline of September 9, 2011.

Mayor Pro Tempore Mounce requested information regarding how other cities are handling the development and implementation of climate action plans, effects on citizens, and related costs.

Mayor Pro Tempore Mounce made a motion, second by Mayor Johnson, to continue the matter for discussion and action at a future date.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Hansen

Absent: None

C-5 Accept Donation of Heating, Cooling, and Dehumidifying Equipment for the Hutchins Street Square Pool and Designate General Fund Capital (\$25,000) for Equipment Modifications and Facility Maintenance (PW)

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

City Manager Bartlam provided a brief overview of the proposed action accepting the donation of the equipment for the Hutchins Street Square pool as set forth in the staff report.

Jeffrey Kirst spoke on behalf of the Hutchins Street Square Foundation, stating the Foundation is pleased to donate the equipment to the City.

In response to Council Member Katzakian, Mr. Bartlam stated the \$25,000 is a one-time expenditure.

Mayor Pro Tempore Mounce made a motion, second by Mayor Johnson, to accept donation of heating, cooling, and dehumidifying equipment for the Hutchins Street Square pool and designate General Fund capital in the amount of \$25,000 for equipment modifications and facility maintenance.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-6 Adopt Resolution Standardizing GFI Genfare Fare Box, Authorizing the City Manager to Execute Purchase Order for Four Fare Boxes with GFI Genfare, of Elk Grove Village, IL (\$80,520), and Appropriating Funds (\$4,800) (PW)

Adopted Resolution No. 2011-136 standardizing GFI Genfare Fare Box, authorizing the City Manager to execute purchase order for four fare boxes with GFI Genfare, of Elk Grove Village, IL, in the amount of \$80,520, and appropriating funds in the amount of \$4,800.

C-7 Adopt Resolution Authorizing the City Manager to Execute Purchase Order for Four 32-Foot Transit Vehicles with El Dorado Bus Sales, of Hayward (\$1,874,100), and Appropriating Funds (\$1,940,000) (PW)

Adopted Resolution No. 2011-137 authorizing the City Manager to execute purchase order for four 32-foot transit vehicles with El Dorado Bus Sales, of Hayward, in the amount of \$1,874,100, and appropriating funds in the amount of \$1,940,000.

C-8 Adopt Resolution Approving the Purchase of Padmount Transformers from HEES Enterprises, Inc., of Astoria, OR, and Howard Industries Inc., of Laurel, MS (\$44,513.69) (EUD)

Adopted Resolution No. 2011-138 approving the purchase of padmount transformers from HEES Enterprises, Inc., of Astoria, OR, and Howard Industries Inc., of Laurel, MS, in the amount of \$44,513.69.

C-9 Adopt Resolution Approving the Purchase of Polemount Transformers from HEES Enterprises, Inc., of Astoria, OR, and Howard Industries Inc., of Laurel, MS (\$49,877.48) (EUD)

Adopted Resolution No. 2011-139 approving the purchase of polemount transformers from HEES Enterprises, Inc., of Astoria, OR, and Howard Industries Inc., of Laurel, MS, in the amount of \$49,877.48.

C-10 Accept Improvements Under Contract for the Residential Water Meter Installation Project (PW)

Accepted improvements under contract for the Residential Water Meter Installation Project.

C-11 Accept Improvements Under Contract for 2011 Streets Crack Sealing Project (PW)

Accepted improvements under contract for 2011 Streets Crack Sealing Project.

C-12 Adopt Resolution Accepting Improvements for Reynolds Ranch Phase 2A On-Site Improvements and Wastewater Trunk Line (PW)

Adopted Resolution No. 2011-140 accepting improvements for Reynolds Ranch Phase 2A on-site improvements and wastewater trunk line.

C-13 Adopt Resolution Authorizing the City Manager to Execute Contract for Elm Street Asphalt Concrete Overlay Project, Hutchins Street to Church Street, with Biondi Paving, Inc., of Sacramento (\$129,977); Appropriating Funds (\$160,000); and Amending Traffic Resolution No. 97-148 by Designating Parking for Physically Handicapped Persons at 215 West Elm Street (PW)

Adopted Resolution No. 2011-141 authorizing the City Manager to execute contract for Elm Street Asphalt Concrete Overlay Project, Hutchins Street to Church Street, with Biondi Paving, Inc., of Sacramento, in the amount of \$129,977; appropriating funds in the amount of \$160,000; and amending Traffic Resolution No. 97-148 by designating parking for physically handicapped persons at 215 West Elm Street.

C-14 Adopt Resolution Authorizing the City Manager to Submit Application to the U.S. Department of Housing and Urban Development for the 2011 Community Challenge Planning Grant and Execute the Agreement, any Amendments Thereto, and Any Related Documents Necessary to Participate in the Program (CD)

This item was pulled for further discussion by a member of the public and discussed simultaneously with Item C-4.

Mayor Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2011-144 authorizing the City Manager to submit an application to the U.S. Department of Housing and Urban Development for the 2011 Community Challenge Planning Grant and execute the agreement, any amendments thereto, and any related documents necessary to participate in the program.

VOTE:

The above motion carried by the following vote:

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

Noes: Mayor Pro Tempore Mounce

Absent: None

C-15 Adopt Resolution Amending Traffic Resolution No. 97-148 by Approving a 35-Miles-Per-Hour Speed Limit on Reynolds Ranch Parkway from Highway 99 Frontage Road to Harney Lane (PW)

Adopted Resolution No. 2011-142 amending Traffic Resolution No. 97-148 by approving a 35-miles-per-hour speed limit on Reynolds Ranch Parkway from Highway 99 Frontage Road to Harney Lane.

C-16 Rescind Resolutions 2008-166, 2010-99, 2011-41, 2011-77, and 2011-120 and Adopt Resolution Authorizing the Issuance of Procurement Cards to Specified Positions (CM)

Rescinded Resolutions 2008-166, 2010-99, 2011-41, 2011-77, and 2011-120 and adopted Resolution No. 2011-143 authorizing the issuance of procurement cards to specified positions.

C-17 Approve Waiver of Conflict of Interest for Meyers Nave's Representation of Northern California Power Agency (CA)

Approved waiver of conflict of interest for Meyers Nave's representation of Northern California Power Agency.

C-18 Set Public Hearing for October 5, 2011, to Consider Amending Lodi Municipal Code Chapter 16.40 - Reimbursements for Construction - by Repealing and Reenacting Section 16.40.050, "Reimbursement Agreements," in Its Entirety (PW)

Set public hearing for October 5, 2011, to consider amending Lodi Municipal Code Chapter 16.40 - Reimbursements for Construction - by repealing and reenacting Section 16.40.050, "Reimbursement Agreements," in its entirety.

- 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. 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.

Alex Aliferis invited the City Council and citizens to attend the Greek Festival to be held September 9-11, 2011, at the Greek Orthodox Church in Stockton.

Robin Rushing commended staff for its efforts regarding installing a new bus stop in front of Lodi Memorial Hospital and meeting with him regarding his electric utility bill. Mr. Rushing also spoke in regard to water usage and landlord billing.

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

Council Member Nakanishi provided comments regarding the ten-year anniversary of the 9/11 attacks.

Council Member Hansen provided a status report regarding San Joaquin Council of Governments and Northern California Power Agency meetings and specifically discussed the I-5 widening project status, the Lodi Energy Center, and the passage of Assembly Bill 1391.

Mayor Johnson provided a status report regarding his meeting with the new San Joaquin Delta College president and the likelihood of having a satellite facility of the college in Lodi.

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

City Manager Bartlam wished Council Member Katzakian a happy belated birthday.

G. Public Hearings

- G-1 Public Hearing to Consider and Approve the 2010/11 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report; a Separation Agreement with San Joaquin County; and an Amendment of the 2011/12 Action Plan to Accommodate the Reallocation of Unused CDBG Funds from the 2010/11 Program Year

and Transferred CDBG Funds from San Joaquin County Through the Separation Agreement (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 Johnson called for the public hearing to consider and approve the 2010/11 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER); a separation agreement with San Joaquin County; and an amendment of the 2011/12 Action Plan to accommodate the reallocation of unused CDBG funds from the 2010/11 Program Year and transferred CDBG funds from San Joaquin County through the separation agreement.

Neighborhood Services Manager Joseph Wood provided a PowerPoint presentation regarding the CDBG public hearing. Specific topics of discussion included the 2010/11 CAPER, separation agreement, 2011/12 Action Plan amendment, CDBG activities, program evaluation, and public hearing process.

In response to Council Member Hansen, Mr. Wood stated the City has separated from the County as its own entitlement entity and the proposed action is clean-up regarding the transfer of funding to the City's entitlement from the County's entitlement.

In response to Mayor Johnson, Mr. Wood stated the private investor is still involved and owns Hotel Lodi.

In response to Mayor Pro Tempore Mounce, Mr. Wood stated there are requirements in place to maintain the facility and he will take a look at the ballroom ceiling as suggested.

In response to Mayor Johnson, Mr. Wood stated that, with respect to the left-over funds from the graffiti abatement program, the funds must be used within a specific time period and the target area. Mr. Wood stated the entire need was met and there were still remaining funds.

In response to Council Member Katzakian, Mr. Wood stated the funding for the Tienda project was designated to close the overall funding gap on the project. Mr. Wood stated the current status of the project is that applications were submitted to the Department of Housing and Urban Development and the state for HOME funding.

In response to Council Member Katzakian, Mr. Bartlam stated the Roget Park project is separate from the Tienda affordable housing project and a recommendation regarding the park from the Recreation Commission will be coming to Council for consideration in the near future.

In response to Council Member Nakanishi, Mr. Wood stated the 2012/13 application period starts in January and will be complete in February.

In response to Mayor Johnson, Mr. Wood stated the City should fair well in the HOME funding application process because it should receive credit in a new category for not receiving the funds prior although there is still some concern about not having a completed housing element in place.

Mayor Pro Tempore Mounce made a motion, second by Council Member Katzakian, to adopt Resolution No. 2011-145 approving the 2010/11 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report; a separation agreement with San Joaquin County; and an amendment of the 2011/12 Action Plan to accommodate the reallocation of unused CDBG funds from the 2010/11 Program Year and transferred CDBG funds from San Joaquin County through the separation agreement.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H. Communications

H-1 Re-Post for Vacancies on the Personnel Board of Review (CLK)

Council Member Nakanishi made a motion, second by Mayor Pro Tempore Mounce, to direct the City Clerk to re-post for the following vacancies:

Personnel Board of Review

Term to expire January 1, 2014

Term to expire January 1, 2014

Term to expire January 1, 2014

Term to expire January 1, 2015

Term to expire January 1, 2015

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H-2 Appointments to the Greater Lodi Area Youth Commission ~ Student Appointees (CLK)

Council Member Nakanishi made a motion, second by Mayor Pro Tempore Mounce, to make the following appointments:

Greater Lodi Area Youth Commission

Student Appointees:

Kinsey Green, term to expire May 31, 2013

Lauren Youngsma, term to expire May 31, 2013

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I. Regular Calendar - None

J. Ordinances

J-1 Adopt Ordinance No. 1847 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20 - Electrical Service - by Repealing and Reenacting Section 13.20.175, 'Schedule ECA - Energy Cost Adjustment'" (CLK)

Mayor Johnson made a motion, second by Council Member Katzakian, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1847

entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20 - Electrical Service - by Repealing and Reenacting Section 13.20.175, 'Schedule ECA - Energy Cost Adjustment,'" which was introduced at a regular meeting of the Lodi City Council held August 17, 2011.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-2 Adopt Ordinance No. 1848 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20 - Electrical Service - by Repealing and Reenacting Section 13.20.200, 'Schedule ED - Residential SHARE Program Service'" (CLK)

Mayor Johnson made a motion, second by Council Member Katzakian, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1848 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20 - Electrical Service - by Repealing and Reenacting Section 13.20.200, 'Schedule ED - Residential SHARE Program Service,'" which was introduced at a regular meeting of the Lodi City Council held August 17, 2011.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-3 Adopt Ordinance No. 1849 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 2 - Administration and Personnel - Chapter 2.12, 'City Manager,' by Repealing and Reenacting Section 2.12.060(T) Relating to Contract Authority of the City Manager; and Further Amending Lodi Municipal Code Title 3 - Revenue and Finance - by Repealing and Reenacting Chapter 3.20 in Its Entirety Relating to the Purchasing System" (CLK)

Mayor Johnson made a motion, second by Council Member Katzakian, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1849 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 2 - Administration and Personnel - Chapter 2.12, 'City Manager,' by Repealing and Reenacting Section 2.12.060(T) Relating to Contract Authority of the City Manager; and Further Amending Lodi Municipal Code Title 3 - Revenue and Finance - by Repealing and Reenacting Chapter 3.20 in Its Entirety Relating to the Purchasing System," which was introduced at a regular meeting of the Lodi City Council held August 17, 2011.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-4 Adopt Ordinance No. 1850 Entitled, "An Ordinance of the Lodi City Council Amending Lodi

Municipal Code Title 13 - Public Services - by Repealing and Reenacting Section 13.12.460(L); and Further Repealing and Reenacting Section 13.12.565 Relating to Sewer Service" (CLK)

Mayor Johnson made a motion, second by Council Member Katzakian, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1850 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 13 - Public Services - by Repealing and Reenacting Section 13.12.460(L); and Further Repealing and Reenacting Section 13.12.565 Relating to Sewer Service," which was introduced at a regular meeting of the Lodi City Council held August 17, 2011.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-5 Adopt Ordinance No. 1851 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 2.44 - Personnel System - by Repealing and Reenacting Section 2.44.090, 'Qualifications of Members,' Relating to an Applicant's Voter Registration" (CLK)

Mayor Johnson made a motion, second by Council Member Katzakian, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1851 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 2.44 - Personnel System - by Repealing and Reenacting Section 2.44.090, 'Qualifications of Members,' Relating to an Applicant's Voter Registration," which was introduced at a regular meeting of the Lodi City Council held August 17, 2011.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:05 p.m.

ATTEST:

Randi Johl  
City Clerk