

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 16, 2013**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of October 16, 2013, was called to order by Council Member Hansen at 5:35 p.m.

Present: Council Member Hansen, Council Member Johnson, and Council Member Mounce
Absent: Mayor Pro Tempore Katzakian, and Mayor Nakanishi
Also Present: City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl-Olson

C-2 Announcement of Closed Session

- a) Conference with Stephen Schwabauer, City Attorney, and Jordan Ayers, Deputy City Manager (Labor Negotiators), Regarding Unrepresented Executive Management, Lodi City Mid-Management Association, Unrepresented Confidential Employees, AFSCME General Services and Maintenance & Operators, Fire Mid-Managers, and Lodi Professional Firefighters; Conference with Stephen Schwabauer, City Attorney, and Dean Gualco, Human Resources Manager (Labor Negotiators), Regarding International Brotherhood of Electrical Workers Pursuant to Government Code §54957.6
- b) Prospective Sale of Current Fire Station 2 Property Located at 705 East Lodi Avenue, Lodi, CA; the Negotiating Parties are Wayne Craig for J-C General Engineering, Inc.; and Michael Gums on Behalf of the Lloyd P. & Mildred J. Gums Family Trust, and Rad Bartlam for the City of Lodi; Price and Terms of the Sale are Under Negotiation; Government Code §54956.8
- c) Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9; One Case; Pursuant to Government Code §54956.9(b)(3)(A) Facts, Due to Not Being Known to Potential Plaintiffs, Shall Not be Disclosed

C-3 Adjourn to Closed Session

At 5:35 p.m., Council Member Hansen adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:40 p.m.

C-4 Return to Open Session / Disclosure of Action

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

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

In regard to Item C-2 (b), the City Council provided direction to place the subject property out for public bid.

A. Call to Order / Roll Call

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Present: Council Member Hansen, Council Member Johnson, and Council Member Mounce
Absent: Mayor Pro Tempore Katzakian, and Mayor Nakanishi
Also Present: City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl-Olson

B. Presentations

B-1 Firefighter Muscular Dystrophy Association "Fill the Boot" Fundraiser Proclamation (FD)

Council Member Hansen presented proclamation to Fire Engineer Trevor Lambert setting Saturday, October 26, 2013, as the date for the Firefighter Muscular Dystrophy Association "Fill the Boot" fundraiser in the City of Lodi.

B-2 Caregiver Day Proclamation (CLK)

Council Member Hansen presented proclamation to a representative of Healings in Motion proclaiming Saturday, November 2, 2013, as "Caregiver Day" in the City of Lodi.

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

Council Member Mounce 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, and Council Member Mounce

Noes: None

Absent: Mayor Pro Tempore Katzakian, and Mayor Nakanishi

C-1 Receive Register of Claims in the Amount of \$965,783.23 (FIN)

Claims were approved in the amount of \$965,783.23.

C-2 Approve Minutes (CLK)

The minutes of October 1, 2013 (Shirtsleeve Session), October 2, 2013 (Regular Meeting), and October 8, 2013 (Shirtsleeve Session) were approved as written.

C-3 Adopt Resolution Authorizing the City Manager to Execute Purchase Order with Sole-Source Provider, Pape Machinery, of French Camp, for Repair of Damage to John Deere 210K Tractor (\$27,371) (PW)

Adopted Resolution No. 2013-175 authorizing the City Manager to execute purchase order with sole-source provider, Pape Machinery, of French Camp, for repair of damage to John Deere 210K tractor in the amount of \$27,371.

C-4 Adopt Resolution Awarding Contract for Replacement of Raywood Ash Trees, Phase II, to West Coast Arborists, Inc., of Anaheim (\$25,350) (PW)

Adopted Resolution No. 2013-176 awarding contract for Replacement of Raywood Ash Trees, Phase II, to West Coast Arborists, Inc., of Anaheim, in the amount of \$25,350.

C-5 Adopt Resolution Awarding Contract for Kofu Park Parking Lot Improvements, 1145 South

Ham Lane, to A. M. Stephens Construction Company, Inc., of Lodi (\$146,231.65) (PW)

Adopted Resolution No. 2013-177 awarding contract for Kofu Park Parking Lot Improvements, 1145 South Ham Lane, to A. M. Stephens Construction Company, Inc., of Lodi, in the amount of \$146,231.65.

C-6 Accept Improvements Under Contract for DeBenedetti Park Maintenance Yard Enclosure (PW)

Accepted the improvements under contract for DeBenedetti Park maintenance yard enclosure.

C-7 Accept Improvements Under Contract for Hutchins Street Square Pool Refinishing Project (PW)

Accepted the improvements under contract for Hutchins Street Square Pool Refinishing Project.

C-8 Accept Improvements Under Contract for Americans with Disabilities Act Improvement Project - Phase 2, Lodi Softball Complex and Salas Park (PW)

Accepted the improvements under contract for Americans with Disabilities Act Improvement Project - Phase 2, Lodi Softball Complex and Salas Park.

C-9 Accept Improvements Under Contract for 2013 Asphalt Rubber Cape Seal Project (PW)

Accepted the improvements under contract for 2013 Asphalt Rubber Cape Seal Project.

C-10 Adopt Resolution Authorizing the City Manager to Execute Three-Year Renewal Agreement with Environmental Systems Research Institute, Inc., of Redlands, for Geographic Information System Software (\$162,000) (PW)

Adopted Resolution No. 2013-178 authorizing the City Manager to execute three-year renewal agreement with Environmental Systems Research Institute, Inc., of Redlands, for geographic information system software in the amount of \$162,000.

C-11 Adopt Resolution Authorizing the City Manager to Execute Amendment to Professional Services Agreement for Geographical Information System Consulting Services with Websoft Developers, Inc., of Davis (\$49,000) (PW)

Adopted Resolution No. 2013-179 authorizing the City Manager to execute amendment to professional services agreement for geographical information system consulting services with Websoft Developers, Inc., of Davis, in the amount of \$49,000.

C-12 Adopt Resolution Authorizing the City Manager to Execute a Contract with Lodi Health for the Fire Department's Annual Physicals (FD)

Adopted Resolution No. 2013-180 authorizing the City Manager to execute a contract with Lodi Health for the Fire Department's annual physicals.

C-13 Adopt Resolution Authorizing the Lodi Police Department to Participate in a Selective Traffic Enforcement Program Grant and Sobriety Checkpoint Grant Funded by the Office of Traffic Safety and Appropriating Funds (\$182,300) (PD)

Adopted Resolution No. 2013-181 authorizing the Lodi Police Department to participate in a Selective Traffic Enforcement Program Grant and Sobriety Checkpoint Grant funded by the Office

of Traffic Safety and appropriating funds in the amount of \$182,300.

C-14 Adopt Resolution Approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2012/13 (PW)

Adopted Resolution No. 2013-182 approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2012/13.

C-15 Adopt Resolution Regarding the Viability of Energy Storage for the City of Lodi (EU)

Adopted Resolution No. 2013-183 regarding the viability of energy storage for the City of Lodi.

C-16 Adopt Resolutions Authorizing Converting Existing Contract Staff by: 1) Approving Job Specification, Salary Range, and Addition of One Electric Groundworker and 2) Authorizing Addition of One Electric Lineworker (EU)

This item was pulled from the agenda by staff.

C-17 Set Public Hearing for November 6, 2013, to Consider Adoption of the 2013 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, and Fire Code (CD)

Set public hearing for November 6, 2013, to consider adoption of the 2013 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, and Fire Code.

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 6.3). 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.

Kathy Grant invited the City Council and the public to participate in the 17th Annual Sandhill Crane Festival to be held at Hutchins Street Square on November 1-3, 2013, and provided a brief overview of the various festival activities.

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

Council Member Mounce urged the community to go to Chili's for the fundraiser held by the City's firefighters for breast cancer awareness.

Council Member Johnson announced that representatives from the City of Lincoln would be visiting the City of Lodi and its downtown area and urged citizens to purchase tickets to the Hall of Fame Dinner hosted by the Boys and Girls Club.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Resolution Approving Storm Drainage and Parks Impact Mitigation Fee Program Schedule of Fees (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Council Member Hansen called for the public hearing to consider approving storm drainage and parks Impact Mitigation Fee Program schedule of fees.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding storm drainage and neighborhood parks impact mitigation fees. Specific topics of discussion included background, purpose of fees, storm drainage fee zones and fees, and park fee zones and fees.

In response to Council Member Hansen, Mr. Sandelin confirmed that the proposed fee program applies to new development through which a future developer will either need to construct new parks or pay a fee.

In response to Council Member Hansen, Mr. Sandelin stated there are two new parks on the horizon that the developer will be constructing. Mr. Sandelin confirmed that the Recreation Commission and staff assist in identifying parks-related needs for the community, which are communicated to developers for consideration.

In response to Council Member Hansen, Mr. Sandelin confirmed that the Lodi Shopping Center was not required to build a park under the former program.

In response to Council Member Mounce, Mr. Bartlam confirmed that the proposed program will correct a loophole so that the situation that occurred with the Lodi Shopping Center will not happen again and developers in the future will need to construct a park or pay the related impact fee.

Council Member Hansen opened the public hearing.

Mark Cahue spoke in support of the availability of parks in the City to play soccer and offered to assist in constructing more parks in the community.

Council Member Hansen closed the public hearing after receiving no further comments.

Council Member Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2013-184 approving storm drainage and parks Impact Mitigation Fee Program schedule of fees.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tempore Katakian, and Mayor Nakanishi

G-2 Public Hearing to Consider Adopting a Resolution Setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2014 (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Council Member Hansen called for the public hearing to consider adopting a resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fees for 2014.

City Manager Bartlam provided a brief overview of the San Joaquin County Habitat Conservation and Open Space development fees as set forth in the staff report.

In response to Council Member Johnson, Mr. Bartlam confirmed that the City would no longer be able to participate in the program if it does not adopt the new fees and development entities would need to find alternate ways to mitigate their habitat and agricultural losses.

In response to Council Member Mounce, Mr. Bartlam stated if it did not approve the fees the City would lose tools including the ability to sell certain lands for mitigation like it did to the Northern California Power Agency because developers would be able to purchase land outside of San Joaquin County for mitigation.

Council Member Hansen opened the public hearing.

Steve Mayo spoke in support of the proposed action to adopt the proposed 2014 San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fees. In response to Council Member Hansen, Mr. Mayo provided a brief explanation regarding how the fees are set based on comparable land sales and the process associated with the same.

Council Member Hansen closed the public hearing after receiving no further comment.

Council Member Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2013-185 setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fees for 2014.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tempore Katzakian, and Mayor Nakanishi

H. Communications

H-1 Appointment to the Greater Lodi Area Youth Commission (Adult Advisor) (CLK)

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

Greater Lodi Area Youth Commission (Adult Advisor)

Bre Baszler, term to expire May 31, 2016

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tempore Katzakian, and Mayor Nakanishi

H-2 Post for Expiring Terms on the Lodi Animal Advisory Commission, Lodi Senior Citizens Commission, Personnel Board of Review, and San Joaquin County Mosquito & Vector Control District and Re-Post for Vacancy on Site Plan and Architectural Review Committee (CLK)

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

Lodi Animal Advisory Commission

Linda Castelanelli, term to expire December 31, 2013
John R. Primasing, term to expire December 31, 2013

Lodi Senior Citizens Commission

Sandy Beglau, term to expire December 31, 2013
Pat Hill, term to expire December 31, 2013

Personnel Board of Review

Ed Miller, term to expire January 1, 2014
Bill Russell, term to expire January 1, 2014
Jim Schweickardt, term to expire January 1, 2014

San Joaquin County Mosquito & Vector Control District

Jack Fiori, term to expire December 31, 2013

Site Plan and Architectural Review Committee

One vacancy, term to expire January 1, 2014

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tempore Katzakian, and Mayor Nakanishi

I. Regular Calendar - None

J. Ordinances

J-1 Adopt Ordinance No. 1884 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 2.04 - City Council Meetings - by Repealing and Reenacting Sections 2.04.130, 'Addressing the Council,' and 2.04.150, 'Decorum,' in Their Entirety" (CLK)

Council Member Hansen made a motion, second by Council Member Mounce, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1884 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 2.04 - City Council Meetings - by Repealing and Reenacting Sections 2.04.130, 'Addressing the Council,' and 2.04.150, 'Decorum,' in Their Entirety," which was introduced at a regular meeting of the Lodi City Council held October 2, 2013.

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:45 p.m.

ATTEST:

Randi Johl-Olson
City Clerk