

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 21, 2009**

C-1 Call to Order / Roll Call

The Closed Session of October 21, 2009, regarding the topic below was canceled.

C-2 Announcement of Closed Session

a) Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Julie McDonnell against City of Lodi Based on Personal Injury

C-3 Adjourn to Closed Session - N/A

C-4 Return to Open Session / Disclosure of Action - N/A

A. Call to Order / Roll call

The Regular City Council meeting of October 21, 2009, was called to order by Mayor Hansen at 7:04 p.m.

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

Absent: None

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

B. Invocation - Pastor Arlene Proctor, First Church of Christ Scientist

C. Pledge of Allegiance

D. Presentations

D-1 Awards - None

D-2 Proclamations - None

D-3 Presentations

a) Parks Superintendant Steve Dutra, representing the "Tree Lodi" organization, provided a brief presentation regarding the recent activities and accomplishments of the organization.

E. 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 Hitchcock, Council Member Johnson, Mayor Pro Tempore Katzakian, Council Member Mounce, and Mayor Hansen

Noes: None

Absent: None

E-1 Receive Register of Claims in the Amount of \$6,950,375.56 (FIN)

Claims were received in the amount of \$6,950,375.56.

E-2 Approve Minutes (CLK)

The minutes of September 30, 2009 (Special Meeting), October 6, 2009 (Shirtsleeve Session), and October 13, 2009 (Shirtsleeve Session) were approved as written.

E-3 Authorize City "Garage Sale" of Surplus Furniture Items to be Held on Saturday, November 7, 2009, at the Municipal Service Center (PW)

Authorized the City "Garage Sale" of surplus furniture items to be held on Saturday, November 7, 2009, at the Municipal Service Center.

E-4 Approve Request for Proposals to Provide Professional Services for Preliminary Engineering Work on the Westside Substation (EUD)

Approved request for proposals to provide professional services for preliminary engineering work on the Westside Substation.

E-5 Adopt Resolution Approving Purchase Order with Synagro, of Burlingame, to Remove Approximately 500 Tons of Biosolids from White Slough Water Pollution Control Facility Storage Lagoon and Appropriating Funds (\$215,000) (PW)

Adopted Resolution No. 2009-138 approving purchase order with Synagro, of Burlingame, to remove approximately 500 tons of biosolids from White Slough Water Pollution Control Facility storage lagoon and appropriating funds in the amount of \$215,000.

E-6 Adopt Resolution Authorizing the Non-Competitive Purchase of Musco Sports Lighting Components (\$184,696), which Includes Installation to Musco Lighting, Oskaloosa, Iowa, for the Grape Bowl Sports Lighting Upgrade and Appropriate Project Funding (\$200,000) (PR)

Adopted Resolution No. 2009-139 authorizing the non-competitive purchase of Musco Sports Lighting Components in the amount of \$184,696, which includes installation, to Musco Lighting, of Oskaloosa, Iowa, for the Grape Bowl sports lighting upgrade and appropriate project funding in the amount of \$200,000.

E-7 Adopt Resolution Ratifying Purchase of Motorola Portable Radios Using Recovery Act Justice Assistance Grant Funding (\$62,196.30) (PD)

Adopted Resolution No. 2009-140 ratifying purchase of Motorola portable radios using Recovery Act Justice Assistance Grant funding in the amount of \$62,196.30.

E-8 Adopt Resolution Authorizing the Non-Competitive Purchase of Server Equipment and Related Software from Infinite Technology (Oakland), Dell, and CDW-G and Appropriate Energy Efficiency and Conservation Block Grant Funds (\$205,000) (CM)

Adopted Resolution No. 2009-141 authorizing the non-competitive purchase of server equipment and related software from Infinite Technology (Oakland), Dell, and CDW-G and appropriate Energy Efficiency and Conservation Block Grant funds in the amount of \$205,000.

- E-9 Adopt Resolution Accepting Improvements under Contract with Rosendin Electric, Inc. for Killelea Substation Rehabilitation (EUD)

Adopted Resolution No. 2009-142 accepting improvements under contract with Rosendin Electric, Inc. for Killelea Substation rehabilitation.

- E-10 Adopt Resolution Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of Lodi's Proposition 1A Receivable from the State; and Directing and Authorizing Certain Other Actions in Connection Therewith (CM)

Adopted Resolution No. 2009-143 approving the form of and authorizing the execution and delivery of a Purchase and Sale Agreement and related documents with respect to the sale of Lodi's Proposition 1A Receivable from the State and directing and authorizing certain other actions in connection therewith.

- E-11 Adopt Resolution Authorizing Expenditure of Grant Funding and Authorizing the City Manager to Enter into a Contract with Cool the Earth, Inc., to Conduct a New Energy Education Pilot Program for the Electric Utility Department (EUD)

Adopted Resolution No. 2009-144 authorizing expenditure of grant funding and authorizing the City Manager to enter into a contract with Cool the Earth, Inc., to conduct a new Energy Education Pilot Program for the Electric Utility Department.

- E-12 Authorize Legal Transfer of Title of Ownership for Various City of Lodi Historical Documents to the San Joaquin County Historical Museum (CLK)

Authorized legal transfer of Title of Ownership for various City of Lodi historical documents to the San Joaquin County Historical Museum.

- E-13 Adopt Resolutions Amending the Order of Business for City Council Meetings and the City Council Protocol Manual and Adopt Council Policy Regarding Invocations (CA)

Adopted Resolution No. 2009-145 amending the Order of Business for City Council Meetings and the City Council Protocol Manual and adopted Resolution No. 2009-146 establishing Council Policy regarding invocations.

- E-14 Set Public Hearing for November 4, 2009, to Consider the Updated Planning Division's Hourly Rate and Setting Various Fire Inspection Fees (CD)

Set public hearing for November 4, 2009, to consider the updated Planning Division's hourly rate and setting various Fire inspection fees.

- E-15 Set Public Hearing for November 18, 2009, to Introduce Ordinance Amending Chapter 13.20, "Electrical Service," Section 225 and 227 Titled, "Schedule NEM - Net Energy Metering" and "Schedule CEM - Co-Energy Metering Rider" (EUD)

Set public hearing for November 18, 2009, to introduce an ordinance amending Chapter 13.20, "Electrical Service," Sections 225 and 227 Titled, "Schedule NEM - Net Energy Metering" and "Schedule CEM - Co-Energy Metering Rider."

- E-16 Set Public Hearing for November 18, 2009, to Consider Unmet Transit Needs in Lodi (PW)

Set public hearing for November 18, 2009, to consider unmet transit needs in Lodi.

F. 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.

Robin Rushing spoke in regard to his concerns about a medical marijuana patient and neighbor being treated questionably by the police officers who responded to a domestic call.

Samir Kharufeh spoke in regard to the benefits of a project labor agreement for the power plant at the White Slough Water Pollution Control Facility.

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

Council Member Johnson commended the Streets Division for its response to the storm and the Electric Utility for keeping the power on and responding to outages. Mr. Johnson also discussed the costs associated with a new County jail and related survey, greater momentum for commuter rail coming through the City of Lodi, status of high-speed rail efforts, public pension related articles and referral of the issue to the Budget and Finance Committee for consideration.

Mayor Hansen commented on the recent article regarding his voting on a project labor agreement as the Chair of the Northern California Power Agency (NCPA) and specifically discussed labor costs with or without a project labor agreement, the requirement of prevailing wages, term requiring employees reside within a 50-mile radius of the City, the costs associated with abandoning the agreement, and the environmental benefits of building the plant.

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

City Manager King spoke in regard to the city of Stockton's ground breaking of the water treatment plant to be located near Mettler Road and Lower Sacramento Road on approximately 20 acres of land at a cost of near \$30 million.

I. Public Hearings

I-1 Public Hearing to Consider Resolution Modifying Transit Budget and Authorizing the City Manager to Implement Changes (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 Hansen called for the public hearing to consider resolution modifying transit budget and authorizing the City Manager to implement changes.

City Manager King provided a brief introduction to the subject matter of the transit service modifications.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding the proposed transit service modifications. Specific topics of discussion included the issue, ridership statistics, current service, financial statistics, Alternative A at a cost of \$438,400, Alternative B at

a cost of \$333,100, rider surveys, survey results, passenger usage for fixed routes, expressed routes, Dial-A-Ride, and VineLine and proposed action.

In response to Mayor Hansen, Mr. Sandelin stated approximately 102 passengers use the fixed route from 6:10 a.m. to 7:45 a.m. and 5 passengers use fixed route from 6:10 a.m. to 6:54 a.m., while the majority of passengers ride from 7:45 a.m. to 6:10 p.m.

In response to Council Member Hitchcock, Mr. Sandelin stated 21 of 80 passengers use the service from 9:15 a.m. and earlier on Saturday, only 6 surveyed said they would prefer to go earlier, and the others were willing to use a later service. Mr. King stated the current fiscal year gap is approximately \$333,000, which is closely aligned with Alternative B.

In response to Council Member Johnson, Mr. Sandelin stated there should be enough time to react to the November 1 date because doctors appointments can be rescheduled, the hours proposed for modification have relatively low ridership, staff can do public outreach, and waivers can be issued for the first month if necessary.

In response to Council Member Hitchcock, Mr. Sandelin stated the fare revenue is approximately \$300,000 of a \$3 million cost to operate, doubling fares is burdensome, fares are somewhat constricted, and fare hikes may decrease ridership.

In response to Mayor Pro Tempore Katzakian, Mr. Sandelin stated dispatchers are in the office until 6:10 p.m. and can schedule next day until that time.

In response to Council Member Johnson, Mr. King stated there is a basic assumption that State funding for Transportation Development Act (TDA) purposes will continue to be reduced over the next fiscal year.

In response to Council Member Mounce, Mr. Sandelin stated other transit agencies have used vouchers discounting 50% to 100% for a minimum amount of time, a budget can be established for a certain time period, and when funding for the program runs out the program ends.

Mayor Hansen opened the public hearing to receive public comment.

Clifford Weaver spoke in opposition to the proposed transit modifications based on his concerns regarding an ineffective survey, lack of options for disabled, and possible loss of ridership.

Lauren Kettner spoke in opposition to the proposed transit modifications based on his concerns regarding eliminating service on Sunday and meeting the needs of the disabled.

Jean Schmidt spoke in opposition to the proposed transit modifications based on her concerns regarding eliminating service on Sunday.

Brenda Lemos spoke in opposition to the proposed transit modifications based on her concerns regarding the need for service for school ridership and negative effects on drivers and jobs.

Wendy Jelks spoke in opposition to the proposed transit modifications based on her concerns regarding negative effects on passengers from eliminating service.

Thomas Vickrey spoke in opposition to the proposed transit modifications based on his concerns regarding negative effects of eliminating Dial-A-Ride for senior citizens and disabled passengers.

Joyce Looker spoke in opposition to the proposed transit modifications based on her concerns

regarding eliminating Dial-A-Ride and negative effective on disabled passengers, drivers, and caregivers.

Stacey Gongora spoke in opposition to the proposed transit modifications based on her concerns regarding negative effects of eliminating Dial-A-Ride for disabled persons and their caregivers.

Karen Stewart spoke in opposition to the proposed transit modifications based on her concerns regarding negative effects of eliminating Dial-A-Ride services for disabled passengers and caregivers who have to get to their jobs.

Adam Pack spoke in opposition to the proposed transit modifications based on his concerns regarding negative effects of eliminating service for disabled passengers and the price of gasoline.

Sharon Boyd spoke in opposition to the proposed transit modifications based on her concerns regarding negative effects of eliminating Dial-A-Ride service for disabled persons and the inability to meet a time deadline.

Patrick Hughes spoke in opposition to the proposed transit modifications based on his concerns regarding negative effects of eliminating weekend service.

Sarah Aguinaga spoke in opposition to the proposed transit modifications based on her concerns regarding elimination of services that will result in children not getting to school and after school events. Mayor Hansen stated staff will provide some clarification regarding express routes and coverage.

Sean Reilly spoke in opposition to the proposed transit modifications based on his concerns regarding results of surveys and negative effects of eliminating Dial-A-Ride for disabled persons and drivers.

Christina Gonzalez spoke in opposition to the proposed transit modifications based on her concerns regarding negative effects of eliminating Dial-A-Ride for riders, drivers, and students.

Colleen Molfino spoke in opposition to the proposed transit modifications based on her concerns regarding ineffectiveness of cabs and the need for Dial-A-Ride for disabled and negative effect on drivers.

David Williamson spoke in opposition to the proposed transit modifications based on his concerns regarding an ability to fund from General Fund, inability to pay current fares, and cutting administrative costs.

Cindy McDonald spoke in opposition to the proposed transit modifications based on her concerns regarding negative effect of eliminating Dial-A-Ride for dialysis patients.

Abby Weaver spoke in opposition to the proposed transit modifications based on her concerns regarding lack of taxis and negative effects on disabled persons and drivers.

Maxin Paate spoke in opposition to the proposed transit modifications based on her concerns regarding negative effects of eliminating Dial-A-Ride on senior citizens and disabled persons.

Mary Fairfax spoke in opposition to the proposed transit modifications based on her concerns regarding negative effects of eliminating Dial-A-Ride and Sunday service on drivers, senior citizens, and disabled persons.

Denise Stagno spoke in opposition to the proposed transit modifications based on her concerns regarding negative effects of eliminating Dial-A-Ride and Sunday service for disabled persons, drivers, and caregivers.

Larry Weatherspool spoke in opposition to the proposed transit modifications based on his concerns regarding negative effects on eliminating services for disabled persons.

Kimberly Froberg spoke in opposition to the proposed transit modifications based on her concerns regarding negative effects of eliminating services for disabled persons and ability to get to community events.

Robin Rushing spoke in opposition to the proposed transit modifications based on his concerns regarding negative effects of eliminating Dial-A-Ride services for disabled persons.

Anna Jammer spoke in opposition to the proposed transit modifications based on her concerns regarding negative effects on disabled persons for eliminating services on weekends and evenings.

Asmir Masik spoke in opposition to the proposed transit modifications based on his concerns regarding negative effects of eliminating service for school purposes.

Larry Gilam spoke in opposition to the proposed transit modifications based on his concerns regarding negative effects on school children, senior citizens, disabled persons and the need for transportation.

Felina Incinas spoke in opposition to the proposed transit modifications based on her concerns regarding negative effects of eliminating service for school children and drivers.

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

In response to Council Member Mounce, Mr. Sandelin stated riders can call the dispatcher to check on accommodations if a doctor's appointment runs late or concludes early.

In response to Council Member Mounce, Mr. Sandelin stated a Saturday 8 a.m. to 2 p.m. service could be considered at the same cost as an hour of increased service on either side would also increase costs of approximately \$10,000. Mr. Sandelin stated the three-hour Sunday service costs approximately \$75,000 and a fare increase for fixed route may be an option to offset that cost.

In response to Mayor Hansen, Mr. Sandelin stated Dial-A-Ride started in 1992, fixed route started in 1994, and in 1996 fixed route was outsourced.

In response to Mayor Hansen, Mr. Sandelin stated the service is funded by fares, TDA, transit and Measure K funds, and approximately 90% of the service is subsidized.

In response to Mayor Hansen, Mr. Sandelin stated fixed route service is \$1, Dial-A-Ride is \$1.50 for reservations, and \$3 for same day service. Mr. Sandelin stated the model considers the elimination of the same day service and a 50 cent increase is a temporary solution until the next round of budget cuts.

In response to Mayor Hansen, Mr. Sandelin confirmed staff received communication from San Joaquin Council of Governments in September that funds were going to be reduced and if we do not act immediately the cuts will be more extreme toward the latter months of the fiscal year.

In response to Mayor Hansen, Mr. Sandelin stated ridership dropped during the last fare increase in October 2004 at 23% on fixed route and 7% on Dial-A-Ride and the increase was 50 cents.

In response to Council Member Johnson, Mr. Sandelin confirmed that, while ridership dropped during the 2004 fare increase, revenues did increase slightly.

In response to Mayor Hansen, Mr. Sandelin stated the School District indicated that it did not reduce service since the City initiated fixed routes.

In response to Mayor Hansen, Mr. Sandelin stated the fixed route and express route are lumped together and increases would likely show the same numbers for both services.

In response to Mayor Hansen, Mr. Sandelin stated he is more comfortable with an additional hour on Saturday than he is with a fare increase to accommodate Sunday service.

In response to Council Member Hitchcock, Mr. King stated staff preferred that Council vote on one option tonight and allow staff to bring back options for Sunday service through a possible fare increase.

In response to Council Member Johnson, Mr. Schwabauer stated a public hearing is required for any fare increase.

In response to Council Member Hitchcock, Mr. King stated in light of the short time period and the need to make progress the preference is to implement Alternative B and bring back additional information regarding increasing hours on Saturday, providing some Sunday service, and increasing rates to offset the Sunday service.

Mayor Hansen made a motion, second by Mayor Pro Tempore Katzakian, to adopt Resolution No. 2009-147 accepting Alternative B as recommended and directing staff to bring back to Council for further consideration options associated with increasing Saturday hours, providing some Sunday service, and possible fare increases.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: Council Member Johnson, and Council Member Mounce

Absent: None

I-2 Public Hearing to Consider Introducing an Ordinance Amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan and Adopt Resolution Setting the Development Fees for 2010 (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 Hansen called for the public hearing to consider introducing an ordinance amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan and adopt resolution setting the development fees for 2010.

Interim Community Development Director Rad Bartlam provided a brief presentation regarding the proposed ordinance amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan and the setting of the development fees for 2010.

In response to Council Member Mounce, Mr. Bartlam stated the County collected virtually nothing in these fees last year due to the economic conditions.

Council Member Hitchcock made a motion, second by Council Member Mounce, to introduce Ordinance No. 1825 amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan and adopt Resolution No. 2009-148 setting the Development Fees for 2010.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J. Communications

J-1 Claims Filed Against the City of Lodi - None

J-2 Appointments

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

Lodi Animal Advisory Commission

Rose Hilliard, Term to expire December 31, 2009

Phillip Laughlin, Term to expire December 31, 2009

Lodi Senior Citizens Commission

Winona Ellwein, Term to expire December 31, 2009

Phyllis Rabusin, Term to expire December 31, 2009

San Joaquin County Mosquito & Vector Control District

Jack Fiori, Term to expire December 31, 2009

San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee

Wade Broughton (Primary), Term to expire January 31, 2010

Randall S. Blank (Alternate), Term to expire January 31, 2010

Site Plan and Architectural Review Committee

Mitchell Slater, Term to expire January 1, 2010

Lodi Arts Commission

Laura Heinitz, Term to expire July 1, 2010

Lodi Library Board of Trustees

Claudia Maria Velez, Term to expire June 30, 2012

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-3 Miscellaneous

a) Monthly Protocol Account Report (CLK)

Council Member Johnson made a motion, second by Mayor Pro Tempore Katzakian, to approve the Monthly Protocol Account report as presented.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

K. Regular Calendar

K-1 Review of Potential Video Franchise Ordinance Establishing the Obligations of Cable Operators Providing Service in the City of Lodi Under a State Franchise Agreement (CM)

This item was continued until the next regularly scheduled City Council meeting.

K-2 Adopt Resolution Awarding Contract for Lodi Avenue Reconstruction Project, Union Pacific Railroad to Cherokee Lane (ESPL 5154 (036)), to Granite Construction Company, of Watsonville (\$2,098,885), and Appropriating Funds (\$2,518,662) (PW)

Public Works Director Wally Sandelin provided a brief PowerPoint presentation and specifically discussed project description, bid results, funding, and schedule.

In response to Council Member Hitchcock, Mr. Sandelin stated the City has previously dealt with the successful bidder and the wide range of bids is reflective of the current economy whereby some bidders removed the depreciation of equipment and similar items from the bid.

In response to Mayor Hansen, Mr. Sandelin stated staff is looking at improvements in the Central Avenue and Stockton Street area and will come back to Council with any changes in the future.

In response to Council Member Johnson, Mayor Hansen and Mr. King provided an overview of the process associated with obtaining the Measure K funds from San Joaquin Council of Governments, competing projects from other communities, and the general feeling of support for the project.

Council Member Mounce made a motion, second by Mayor Hansen, to adopt Resolution No. 2009-149 awarding the contract for Lodi Avenue Reconstruction Project, Union Pacific Railroad to Cherokee Lane (ESPL 5154 (036)), to Granite Construction Company, of Watsonville in the amount of \$2,098,885, and appropriating funds in the amount of \$2,518,662.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

K-3 Adopt Resolution Authorizing the City Manager to Execute an Option Agreement to Purchase Real Property Pursuant to the Terms of the Purchase and Development Agreement with Eden Development, Inc. Regarding Senior Housing Project at 2245

Tienda Drive (CD)

City Manager King briefly introduced the subject matter of the senior housing project item.

Interim Community Development Director Rad Bartlam provided a brief presentation regarding the proposed option agreement to purchase real property pursuant to the terms of the Purchase and Development Agreement with Eden Housing to construct a senior housing project on Tienda Drive.

In response to Council Member Hitchcock, Mr. Bartlam and Mr. Sandelin replied that the footage along the Tienda Drive frontage is approximately 300 feet, with another 200 feet of footage along the other side, and a depth of almost 730 feet.

In response to Mayor Hansen, Faye Blackman, representative from Eden Housing, stated the earliest that Phase II could start is one year after Phase I because the Department of Housing and Urban Development (HUD) process is completed annually.

In response to Council Member Johnson, Mr. Bartlam stated he has no reason to believe that Phase II would not be constructed. He stated since funding was successful for Phase I it should be successful for Phase II.

In response to Mayor Hansen, Ms. Blackman stated Fall 2011 is the earliest that construction on the project can begin consistent with the HUD process.

In response to Mayor Hansen, Ms. Blackman confirmed that the City will have another shot at the funding.

Mayor Hansen made a motion, second by Council Member Mounce, to adopt Resolution No. 2009-150 authorizing the City Manager to execute an Option Agreement to purchase real property pursuant to the terms of the Purchase and Development Agreement with Eden Housing, Inc. regarding Senior Housing Project at 2245 Tienda Drive.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

K-4 Receive Report on Draft Environmental Impact Report Environmental Assessment for I-5 Widening from Stockton to Southerly Limits of the White Slough Water Pollution Control Facility (CD)

This item was continued until the next regularly scheduled City Council meeting.

K-5 Approve Legal Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation (\$1,653.43) (CA)

In response to Council Member Mounce, Mr. Schwabauer stated the Bridge City reference was related to the Donovan matter.

Council Member Mounce made a motion, second by Council Member Johnson, to approve legal expenses incurred by outside counsel/consultants relative to the environmental abatement program litigation in the amount of \$1,653.43.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Hitchcock

Absent: None

L. Ordinances

L-1 Adopt Ordinance No. 1824 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 16 - Subdivisions - By Adding New Sections 16.12.040 and 16.16.030, "Monuments"

Council Member Mounce made a motion, second by Council Member Johnson, to (following reading of the title) waive reading of the ordinance in full and adopt and order to print Ordinance No. 1824 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 16 - Subdivisions - by Adding New Sections 16.12.040 and 16.16.030, 'Monuments,'" which was introduced at a regular meeting of the Lodi City Council held October 7, 1009.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

M. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 11:08 p.m.

ATTEST:

Randi Johl
City Clerk