

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 7, 2012**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of November 7, 2012, was called to order by Mayor Mounce at 6:15 p.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Katzakian, and Mayor Mounce

Absent: Mayor Pro Tempore Nakanishi

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

C-2 Announcement of Closed Session

a) Negotiate Modification to Lease Agreement Regarding a Portion of 930 South Beckman Road (APN 049-250-83); Negotiating Parties are Geweke Motors, Inc., a California Corporation, Successor in Interest to GFLIP III Limited Partnership, LP (Tenant) and City of Lodi (Landlord); Government Code §54956.8

b) Prospective Acquisition of Real Property Located at 16 and 40 South Cherokee Lane, Lodi, California (APN 043-230-13 and 043-230-12, Respectively); the Negotiating Parties are City of Lodi and Geweke Land Development and Marketing, L.P.; Government Code §54956.8

C-3 Adjourn to Closed Session

At 6:15 p.m., Mayor Mounce adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:35 p.m.

C-4 Return to Open Session / Disclosure of Action

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

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

A. Call to Order / Roll Call

The Regular City Council meeting of November 7, 2012, was called to order by Mayor Mounce at 7:00 p.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Katzakian, and Mayor Mounce

Absent: Mayor Pro Tempore Nakanishi

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

B. Presentations

B-1 Presentation by Representative of Assembly Member Berryhill Regarding City's Participation in the HEAL Program (CLK)

This item was continued to the November 21, 2012, City Council meeting.

B-2 Homeless Youth Awareness and Runaway Prevention Month Proclamation (CLK)

Mayor Mounce presented a proclamation to Jennifer Jones, Youth Services Program Manager with the San Joaquin County Women's Center, proclaiming the month of November 2012 as "Homeless Youth Awareness and Runaway Prevention Month" in the City of Lodi.

B-3 Presentation by Hutchins Street Square Foundation Regarding Plans to Celebrate 100th Anniversary of Hutchins Street Square (PRCS)

John Ledbetter, chairman of the Hutchins Street Square Foundation, provided the City Council an outline of the plans to celebrate the 100th Anniversary of Hutchins Street Square.

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

Council Member Johnson made a motion, second by Council Member Katzakian, to approve the following items hereinafter set forth 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 Katzakian, and Mayor Mounce

Noes: None

Absent: Mayor Pro Tempore Nakanishi

C-1 Receive Register of Claims in the Amount of \$10,422,480.47 (FIN)

Claims were approved in the amount of \$10,422,480.47.

C-2 Approve Minutes (CLK)

The minutes of October 16, 2012 (Shirtsleeve Session), October 16, 2012 (Special Meeting), October 17, 2012 (Regular Meeting), October 23, 2012 (Shirtsleeve Session), October 30, 2012 (Shirtsleeve Session), and October 30, 2012 (Special Meeting) were approved as written.

C-3 Accept Quarterly Report of Purchases Between \$10,000 and \$20,000 (CM)

Accepted the quarterly report of purchases between \$10,000 and \$20,000.

C-4 Accept Quarterly Investment Report as Required by the City of Lodi Investment Policy (CM)

Accepted the quarterly investment report as required by the City of Lodi Investment Policy.

C-5 Adopt Resolution Approving the City of Lodi Annual Investment Policy and Internal Control Guidelines (CM)

Adopted Resolution No. 2012-172 approving the City of Lodi Annual Investment Policy and Internal Control Guidelines.

C-6 Adopt Resolution Authorizing the City Manager to Execute a Professional Services Agreement with the Salvation Army to Verify Eligibility for the Lodi SHARE Rate Discount

Program (\$19,000) (EUD)

Adopted Resolution No. 2012-173 authorizing the City Manager to execute a professional services agreement with the Salvation Army to verify eligibility for the Lodi SHARE Rate Discount Program in the amount of \$19,000.

C-7 Adopt Resolution Supporting the Stop Theft of Power Act (EUD)

Adopted Resolution No. 2012-174 supporting the Stop Theft of Power Act.

C-8 Adopt Resolutions Authorizing the Lodi Police Department to Participate in a Selective Traffic Res. Enforcement Program Grant and Traffic Initiative Grant Funded by the Office of Traffic Safety and Appropriating Funds (\$182,750) (PD)

Adopted Resolution No. 2012-175 authorizing the Lodi Police Department to Participate in a Selective Traffic Enforcement Program Grant and Resolution No. 2012-176 authorizing participation in a Traffic Initiative Grant both funded by the Office of Traffic Safety and appropriating funds in the amount of \$182,750.

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.

Gordon Schmierer, representing Tree Lodi, invited the City Council and the public to participate in the Tree Clinic at DeBenedetti Park on November 10, 2012.

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

Council Member Johnson commended the local City Council candidates on positive, well-run campaigns during the election season and suggested a future Shirtsleeve Session be held to review options associated with economic development.

Council Member Hansen congratulated Council Member Johnson and Mayor Mounce on their re-election and commended those associated with the success of the Sandhill Crane Festival, which occurred last weekend.

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

None.

G. Public Hearings - None

H. Communications

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

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

Lodi Improvement Committee

Jarred Ditmore, term to expire March 1, 2015

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tempore Nakanishi

I. Regular Calendar

I-1 Adopt Uncodified Interim Urgency Ordinance to Establish a Moratorium on 1) the Outdoor Cultivation of Medical Marijuana within the City of Lodi and 2) the Indoor Cultivation of Medical Marijuana that Creates a Public Nuisance (CA)

City Attorney Schwabauer provided a brief overview of the proposed interim urgency ordinance as set forth in the staff report, stating the proposed moratorium prohibits outdoor growth in its entirety and prohibits indoor growth if others, including neighbors, can see or smell it.

In response to Council Member Hansen, Mr. Schwabauer stated the proposed moratorium is for 45 days, during which the Council can adopt a permanent solution or extend the moratorium for another ten and a half months for a total moratorium period of one year.

In response to Mayor Mounce, Mr. Schwabauer confirmed that the harvest period for outdoor growth is over and under the proposed ordinance indoor growth can continue as long as it cannot be seen or smelled.

The following individuals spoke in regard to the proposed moratorium, generally supporting the moratorium while a permanent solution is found through mutual consensus between the City, users, neighbors, law enforcement, and other interested parties:

Angel Raich
Bill Pearce
Joshua Dougherty
Lanette Davies
Robin Rushing
Cindy Harris
Lauren (Last Name Unknown)

Council Member Hansen requested comparative cost and growth information for outdoor and indoor growth of medical marijuana.

Council Member Johnson made a motion, second by Council Member Katzakian, to adopt uncodified interim urgency Ordinance No. 1867 to establish a moratorium on 1) the outdoor cultivation of medical marijuana within the City of Lodi and 2) the indoor cultivation of medical marijuana that creates a public nuisance.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tempore Nakanishi

I-2 Approve Lodi Tourism Business Improvement District 2013 Annual Report, Adopt Resolution of Intention to Levy Annual Assessment, and Set Public Hearing for November 21, 2012, to Consider the Proposed Assessment (CM)

Nancy Beckman, Executive Director of Visit Lodi, provided a PowerPoint presentation regarding the annual report from Visit Lodi. Specific topics of discussion included the 2012 year in review, improving economy, transient occupancy tax numbers from wineries, advertising, trade shows, visitor information, consumer promotions, social media, marketing pieces, group sales, and planned improvements at the new office site for Visit Lodi.

In response to Mayor Mounce, Ms. Beckman confirmed that the new site rent is \$2,900 monthly, the old site rent was \$1,170 monthly, the leased equipment includes the copier and postage machines, advertising is for on-line and print ads, promotions include the website and guides and maps, maintenance includes janitorial and building maintenance, and the three full-time positions include her position as Executive Director.

Council Member Hansen made a motion, second by Council Member Katzakian, to approve Lodi Tourism Business Improvement District 2013 Annual Report, adopt Resolution of Intention No. 2012-177 to levy annual assessment, and set public hearing for November 21, 2012, to consider the proposed assessment.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tempore Nakanishi

I-3 Adopt Resolution Approving Debt Management Policy (CM)

Deputy City Manager Jordan Ayers provided a brief overview of the proposed Debt Management Policy as set forth in the staff report, stating the proposed policy reflects best practices and standards.

In response to Mayor Mounce, Mr. Ayers confirmed that an inter-fund transfer, such as impact fee funds utilized for fire station improvements, would need to come before the Council for approval and that can be written into the policy as suggested.

In response to Council Member Hansen, Mr. Bartlam stated that, while the proposed policy does not provide a set number for the debt ceiling amount, issuing debt in the City of Lodi has been a last resort practice and will continue to be so.

In response to Mayor Mounce, Mr. Bartlam stated the policy could be revised to include a debt ratio analysis based on government industry standards as suggested when new debt is issued.

Council Member Hansen made a motion, second by Mayor Mounce, to adopt Resolution No. 2012-178 approving the Debt Management Policy.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tempore Nakanishi

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:00 p.m.

ATTEST:

Randi Johl
City Clerk