

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 18, 2009**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of November 18, 2009, was called to order by Mayor Hansen at 6:00 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 Assistant City Clerk Robison

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 6:00 p.m., Mayor Hansen adjourned the meeting to a Closed Session to discuss the above matter.

The Closed Session adjourned at 6:55 p.m.

C-4 Return to Open Session / Disclosure of Action

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

Item C-2 (a) was discussion only; no reportable action was taken.

A. Call to Order / Roll call

The Regular City Council meeting of November 18, 2009, was called to order by Mayor Hansen at 7:06 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 Assistant City Clerk Robison

B. Pledge of Allegiance

C. Presentations

C-1 Awards - None

C-2 Proclamations - None

C-3 Presentations - None

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

Council Member Mounce made a motion, second by Council Member Hitchcock, 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

D-1 Receive Register of Claims in the Amount of \$1,283,722.37 (FIN)

Claims were approved in the amount of \$1,283,722.37.

D-2 Approve Minutes (CLK)

The minutes of October 21, 2009 (Regular Meeting), October 27, 2009 (Shirtsleeve Session), November 3, 2009 (Shirtsleeve Session), and November 10, 2009 (Shirtsleeve Session) were approved as written.

D-3 Adopt Resolution Approving City of Lodi Annual Investment Policy and Internal Control Guidelines (CM)

Adopted Resolution No. 2009-158 approving the City of Lodi Annual Investment Policy and Internal Control Guidelines.

D-4 Adopt Resolution Approving Purchase of Sign-Making Equipment from Denco Sales Company, of Concord (\$25,208), and Appropriating Funds (\$30,000) (PW)

Adopted Resolution No. 2009-159 approving the purchase of sign-making equipment from Denco Sales Company, of Concord, in the amount of \$25,208, and appropriating funds in the amount of \$30,000.

D-5 Adopt Resolution Awarding the Contract for Hale Park, 209 East Locust Street, and Blakely Park, 1050 South Stockton Street, Playground Surfacing Improvements to Diede Construction, of Woodbridge (\$73,442), and Appropriating Funds (\$88,000) (PR)

Adopted Resolution No. 2009-160 awarding the contract for Hale Park, 209 East Locust Street, and Blakely Park, 1050 South Stockton Street, Playground Surfacing Improvements to Diede Construction, of Woodbridge, in the amount of \$73,442, and appropriating funds in the amount of \$88,000.

D-6 Adopt Resolution Approving Contract Change Order to West Coast Arborist Contract for Tree Trimming Services (\$20,265) and Appropriating Funds (\$22,300) (PW)

Adopted Resolution No. 2009-161 approving contract change order to West Coast Arborist contract for tree trimming services in the amount of \$20,265 and appropriating funds in the

amount of \$22,300.

D-7 Accept Improvements under Contract for Wastewater Infrastructure Replacement Program (Project No. 4) Project (PW)

Accepted the improvements under contract for Wastewater Infrastructure Replacement Program (Project No. 4) Project.

D-8 Adopt Resolution Accepting Cable Rejuvenation under Contract with Novinium, Inc. for Royal Crest Subdivision (EUD)

Adopted Resolution No. 2009-162 accepting cable rejuvenation under contract with Novinium, Inc. for Royal Crest Subdivision.

D-9 Accept Five Machettes of "Celebrate the Harvest" Sculpture by Artist, Rowland Cheney (COM)

Council Member Johnson questioned why only two of the five sculptures were being used for fund-raising purposes, to which City Manager King and Community Center Director Jim Rodems clarified that the intention was to use four for fund-raising purposes and one for City display.

Council Member Mounce requested that staff report back to Council on how much money is raised with the four sculptures and where the fifth sculpture is displayed in the City.

Council Member Johnson made a motion, second by Mayor Hansen, to accept five machettes of "Celebrate the Harvest" sculpture by artist, Rowland Cheney, with the understanding that four of the five sculptures would be used for fund-raising purposes and the fifth one for City display.

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

D-10 Adopt Resolution Opposing the "New Two-Thirds Vote Requirement for Public Electricity Providers" Initiative (EUD)

Adopted Resolution No. 2009-163 opposing the "New Two-Thirds Vote Requirement for Public Electricity Providers" initiative.

D-11 Adopt Resolution in Support of the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010 (CM)

Adopted Resolution No. 2009-164 in support of the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010.

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.

Jaime Watts, Executive Director of the Downtown Lodi Business Partnership (DLBP), provided a progress report on DLBP activities starting in October including the Fall Flavor Fest, promotion of night life in downtown Lodi, marketing outside of the Lodi area, contract with San Joaquin Magazine to publish calendar of downtown events and information on businesses, and holiday shopping incentive program. Downtown Christmas activities will feature carriage rides; Christmas tree, swags, banners, and lights; toy drive; carolers; gift wrap station; and a window decorating contest among the downtown businesses. This year's Parade of Lights is scheduled for Thursday, December 3 at 6:17 p.m. with the theme of "Rock n' Roll Christmas."

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

Council Member Mounce reported on the conference she attended regarding redevelopment abuse, at which community members shared pitfalls and challenges associated with redevelopment and a presentation was given by Dr. Roger Noll, professor at Stanford University, who stated that redevelopment funds spent on sports arenas may not be as economically viable as some would believe. Ms. Mounce also attended the League of California Cities legislative briefing and reported that the State is once again enacting laws that will cost money it does not have; there is Proposition 84 funding available for regional parks which staff should look into by the March 1, 2010, deadline; that local COPS grant funding may not continue after 2011; and that future trends appear to be municipal bankruptcy, roll backs, and pension reform. Council Member Mounce stated that she had previously asked staff to research the possibility of assessment districts to help aging neighborhoods pay for infrastructure, maintenance, and water meters and recently she met with a representative from Wolfe Hansen Company on how it could provide assistance to citizens in spreading out these costs over time. She asked that staff consider this matter and report back to Council.

Mayor Hansen stated he would adjourn tonight's meeting in memory of Elma Heinrich Proper, former City of Lodi employee, who passed away on November 12. Mr. Hansen reported that he received correspondence regarding aggressive dogs at the dog park and a request to ban dogs off leashes in all Lodi parks.

At the request of Mayor Hansen, City Attorney Schwabauer explained that the City currently has an ordinance prohibiting vicious behavior, which applies to all locations and includes bodily injury and attacks on people and animals. The ordinance would not cover animals that look fearsome or behave aggressively and to do so would require a change to the ordinance and would be difficult to enforce. Mr. Schwabauer suggested a simple solution is to install signage at parks with the pertinent code sections on vicious behavior and associated penalties, as well as the contact information for Animal Control.

Mayor Hansen reminded the public that the Salvation Army Kettle Kick Off is Thursday, November 19 and encouraged the public to support this worthy cause. A letter from Senator Alex Padilla was received requesting cities adopt an ordinance prohibiting the selling of tobacco near schools, and Mayor Hansen questioned if Council was interested in pursuing this request.

Council Member Hitchcock suggested staff first survey how many mini-marts are near Lodi schools as there may be an issue with existing businesses.

Mr. King stated staff would put this on a future agenda for discussion.

Mayor Hansen reported on his attendance at the San Joaquin Council of Governments (SJCOCG)

level of service forum, project delivery subcommittee, executive committee, and regional blueprint meeting, stating that the Highway 12 upgrades and construction received clearance on the Environmental Impact Report with construction to begin in 2010, the I-205 auxiliary lane and I-5 French Camp lane projects are being closely tracked, and the Regional Blueprint will come before the SJCOG board in December and presented to each city in the County thereafter. Mr. Hansen announced that, in response to school music programs being cut for Grades K through 6, a local couple is offering a 16-week music program entitled Instrument Explorers at Hutchins Street Square. Further, Mayor Hansen stated he is researching Welcome to Lodi signage for installation at key intersections in town and, to keep it simple and low cost, he suggested using the current art work of the water tower. He will work with Public Works Director Wally Sandelin on cost estimates and potential locations, will speak with local service clubs regarding donations toward this project, and will return to Council for discussion and possible action.

Council Member Johnson stated he would be willing to discuss the signage; however, he was unsure about using the water tower design at the entrances to the community, adding that the logo should be more indicative of our community (i.e. grapes, wine, etc.).

Council Member Hitchcock believed this needed further discussion before moving forward. She pointed out that this issue was discussed at the Downtown Summit, that there are already signs in place that designate the wineries, downtown, and other areas, and further signage should be cohesive and have agreed-upon, up-scale artwork.

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

City Manager King informed the public of the upcoming dates that City Hall would be closed for the holidays and furlough days: Thanksgiving - Wednesday, November 25 to Friday, November 27; and Christmas - noon on Thursday, December 24 to Monday, December 28.

At the request of Mr. King, Deputy City Manager Jordan Ayers announced that the following four pay stations will be in operation beginning December 1: Discoteca El Gallo, Check Into Cash, Wal-Mart, and Genet's Hallmark Shop. Citizens will be able to pay their utility bills at any of these locations, and staff is in the process of putting together community information and signage.

H. Public Hearings

H-1 Public Hearing to Consider Unmet Transit Needs in Lodi (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 unmet transit needs in Lodi.

City Manager King briefly introduced the subject matter of unmet transit needs in the City of Lodi.

Senior Traffic Engineer/Interim Transportation Manager Paula Fernandez reported that as a State requirement the San Joaquin Council of Governments (SJCOG) sponsors public hearings throughout the County, including Lodi, to receive comments on unmet transit needs. Out of the 12 hearings to date, only two comments related to Lodi were received. Requests and comments will continue to be received through mid December, in January the comments will be reviewed through SJCOG, and in February the report will be completed.

In response to Mayor Hansen, Aaron Hoyt representing SJCOG described the two comments relating to Lodi, which included service to San Francisco one time a week and regular service to the Woodbridge area.

In response to Council Member Hitchcock, Ms. Fernandez stated that all comments received throughout the year outside of the process, including those from the public hearing regarding transit reductions and fees, would be included.

In response to Council Member Mounce, Mr. Hoyt stated that the 3,500 people who were sent mailings were part of an established commute connection database.

Mayor Hansen opened the hearing to the public.

Ann Cerney spoke in support of having regular weekend transportation service to Stockton in order to service the needs of the disabled.

There being no other comments, Mayor Hansen closed the public hearing.

In response to Mayor Hansen, Mr. Hoyt stated he would look into whether or not there is weekend service to Stockton through the Regional Transportation District.

H-2 Receive Preliminary Report and Open and Continue Public Hearing to Introduce Ordinance Amending Chapter 13.20, "Electrical Service," Sections 225 and 227 Titled, "Schedule NEM - Net Energy Metering" and "Schedule CEM - Co-Energy Metering Rider" (EUD)

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 ordinance amending Chapter 13.20, "Electrical Service," Sections 225 and 227 titled, "Schedule NEM - Net Energy Metering" and "Schedule CEM - Co-Energy Metering Rider."

City Manager King briefly introduced the subject matter, stating the recommendation is to receive the report, allow comments, and continue the public hearing to a date undetermined to allow time for additional questions to be answered.

Interim Electric Utility Director Ken Weisel provided a PowerPoint presentation regarding the proposed ordinance amendments. Specific topics of discussion included summary, background information, and proposal on net energy metering and co-energy metering, co-metering pricing, eligibility, and attributes.

In response to Mayor Pro Tempore Katzakian, Mr. Weisel explained that homes typically use 3 kW to 5 kW on the hottest hour of the year and a typical solar system on a residential roof is 1 kW to 3 kW. He confirmed that there are a few 10 kW systems in Lodi, there are no 1 MW systems, and the proposed pricing is at the level required by State law.

In response to Council Member Johnson, Mr. Weisel stated there have been no wind-powered generation systems installed in Lodi. Interim Community Development Director Rad Bartlam stated that current City ordinances do not prohibit installation of wind-powered generation systems; however, there are City restrictions that would make it difficult or near impossible for such installation. A wind-powered system would be more likely to occur in a commercial or industrial area of town, not a residential lot; however, there is insufficient wind in town to justify it.

Mayor Hansen opened the hearing to the public.

None.

There being no comments, Mayor Hansen closed the public hearing.

Mayor Hansen made a motion, second by Council Member Mounce, to continue the public hearing to a date determined by staff to introduce ordinance amending Chapter 13.20, "Electrical Service," Sections 225 and 227 titled, "Schedule NEM - Net Energy Metering" and "Schedule CEM - Co-Energy Metering Rider."

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

I. Communications

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

I-2 Appointments

a) Appointment to the Lodi Budget/Finance Committee: Bud Mullanix (CLK)

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

Lodi Budget/Finance Committee

Bud Mullanix, Term to expire June 30, 2013

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

I-3 Miscellaneous - None

J. Regular Calendar

J-1 Introduce Ordinance Amending Lodi Municipal Code Title 9 - Public Peace, Morals, and Welfare - by Repealing and Reenacting Chapter 9.18, "Vending on Streets, Sidewalks, and Private Property," in its Entirety (CA)

(NOTE: Permit Technician Araseli Del Castillo provided Spanish translation of the staff presentation, as well as comments by Council, staff, and members of the public.)

City Attorney Schwabauer provided a brief report on the proposed ordinance amendment that would place a cap on the number of mobile food vendor permits at the current numbers: 22 for motorized food preparation units and 3 for produce/seafood trucks. There are two other versions of mobile food units: hot dog carts, for which there is only one licensed in Lodi, and push carts, for which there are none licensed in Lodi. The ordinance would further move enforcement from the Community Development Department to the Police Department. Mr. Schwabauer stated that the proposed ordinance was reviewed and approved by David LeBeouf, counsel for the affected business owners, who was unable to attend the meeting. Mr. LeBeouf had indicated that the ordinance was acceptable as written because it did not place a cap below current levels and it

allowed for licenses to be transferable; however, if Council were to amend the proposed ordinance, Mr. LeBeouf would like the matter brought back at a later date.

Council Member Hitchcock expressed concern regarding the ability to transfer licenses, which would create value to the permit and potentially be unfair to those on a waiting list. Mr. Schwabauer stated that each license is only valid for one year and can be renewed assuming the owner complies with regulations. The purpose of the transfer is to provide the opportunity for an owner to sell their unit and potentially recapture some or all of their investment.

In response to Council Member Mounce, Mr. King stated that it is more appropriate to have Code Enforcement handle the application and renewal process, as it is currently responsible for enforcing the code violations. This will streamline the process and keep all associated functions within one division.

Council Member Mounce complimented the mobile food vendor on Lodi Avenue next to Round House for abiding by the City ordinance; however, there are others, specifically on Cherokee Lane and Harney Lane, who routinely refuse to comply with the rules by setting up seating, erecting tents and canopies, running electrical cords, etc. without approval. She questioned how often the vendors are monitored to ensure they are abiding by the regulations.

Mr. King stated that the proposed ordinance addresses the cap only, not permits for certain locations or for enforcement; one operator could operate in several locations according to their permit; the Police Department can enforce conditions of the site permit; and he did not see a detriment to transferring licenses.

Mr. Schwabauer pointed out that, of the three cities that responded to the survey, all three made licenses transferable.

Mayor Hansen stated he was comfortable with the transfer of licenses, adding that it was similar to Alcoholic Beverage Control licenses that could be sold on the market.

Council Member Hitchcock suggested that the language regarding enforcement be tightened up to include a clear procedure for suspension. Mr. Schwabauer stated the municipal code provides some flexibility to the City Manager on suspending or revoking a license, depending on the severity of the violation, and suggested that this discretion be maintained. Ms. Hitchcock stated that the language in the code is not strong enough and repeat offenders continue to violate the regulations.

Mayor Hansen spoke in support of maintaining flexibility on enforcement, pointing out that the discretion lies with the hearing officer.

In response to Council Member Johnson, Mr. King stated he was unsure who the hearing officer would be as no hearings have been held to date. Mr. Johnson was not in favor of stipulating penalties for specific violations and instead suggested that the ordinance be implemented, the hearing officer be allowed an opportunity to review and rule on issues as they come forth, and that staff determine whether or not the process is working, after which time the ordinance could be brought back to Council for further strengthening of enforcement.

In response to Council Member Hitchcock, Mr. Schwabauer stated that the ordinance was originally approved in 2007, he was unsure of the number of citations that have been issued since that time, and confirmed that no hearings have been conducted to date.

In response to Mayor Hansen, Neighborhood Services Manager Joseph Wood stated that enforcement has been the responsibility of the Code Enforcement Division in the Police

Department; however, the issuance and review of licenses has been handled by the Community Development Department. The new ordinance would move all of those functions under the Code Enforcement Division. Mr. Wood stated that roughly six administrative citations have been issued, mostly for those operating without a permit, and that no other complaints have been communicated to him.

Council Member Mounce expressed frustration as she has witnessed several operators who are in violation of the code and that enforcement appears to be at the discretion and interpretation of the Code Enforcement Officer.

Mr. King suggested that, if it would like to delve into the issue of penalty and location, Council direct staff to research the issue and return with enforcement options, but in the meantime it act on this ordinance regarding the cap.

Mayor Hansen suggested that the Police Department make this a priority and perform an aggressive enforcement sweep of existing operators and known problem areas.

Ann Cerney requested clarification that the action was to introduce the ordinance as presented to Council.

Arlene Farley complained that there is an unlicensed ice cream vendor operating in her neighborhood near Century Assembly Church who is there daily and leaves behind garbage. She believed that limits and standards should be set and upheld and was in support of greater enforcement.

Mr. King confirmed that the Police Department will set a high priority on seeking out unsolicited vending.

Council Member Mounce made a motion, second by Mayor Pro Tempore Katzakian, to introduce Ordinance No. 1827 amending Lodi Municipal Code Title 9 - Public Peace, Morals, and Welfare - by repealing and reenacting Chapter 9.18, "Vending on Streets, Sidewalks, and Private Property," in its entirety.

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-2 Adopt Resolution Setting Forth the City of Lodi's Commitment to Obesity Prevention as Outlined in the Healthy Eating Active Living (HEAL) Campaign (CM)

City Manager King briefly introduced the subject matter of the Healthy Eating Active Living (HEAL) Campaign.

Kanat Tibet, representing the HEAL Campaign, provided a brief report regarding this effort to encourage cities to adopt policies to make their cities healthier and more active by focusing on land use (i.e. walkable neighborhoods, bike lanes, etc.), zoning (i.e. farmers markets, connectivity to fresh food outlets, etc.), and employee wellness. Mr. Tibet recommended Council adopt a resolution setting forth the City's commitment to obesity prevention, joining the other 13 cities who have also taken this step.

In response to Council Member Hitchcock, Mr. Tibet, Mayor Hansen, and City Manager King

reported on the increased cost of obesity statewide and nationally; statistics relating to obesity in children within San Joaquin County; the projection that children today are not expected to outlive parents; the growing rate of Type 2 diabetes among adults and children; and Lodi's efforts in creating policies in the General Plan to promote bike lane systems, walkability, and connectivity.

Mayor Hansen made a motion, second by Council Member Hitchcock, to adopt Resolution No. 2009-165 setting forth the City of Lodi's commitment to obesity prevention as outlined in the Healthy Eating Active Living (HEAL) Campaign.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-3 Report on October 16, 2009, Downtown Summit (CM)

City Manager King provided a PowerPoint presentation on the Downtown Summit, which was held on October 16, 2009, at Hutchins Street Square and was geared toward gathering stakeholders in the downtown, property owners, and merchants to focus on reviewing what has happened downtown in the last decade and what needs to be done to move forward. Property owners and downtown visitors were surveyed, dynamic speakers including Michael Freedman spoke at the summit, there was a reasonable turnout at the event, and important feedback was attained from those who attended. Mr. King reviewed the discussion group findings and suggestions for further action, implementation techniques, and strategies.

Council Member Mounce stated she was in favor of receiving further information on a combined property owner merchant Business Improvement District (BID). In regard to directional "wayfarer" signage, she suggested utilizing an existing design and placing the Arts Commission in charge of the project, as well as fund it.

Mr. King stated that an initial presentation on a BID merge would not cost the City, but he pointed out there needs to be a desire by the business community and property owners to pursue it. The directional signage should be of high-quality, thought would need to be given on design, theme, and location, and the Arts Commission could weigh in on the discussion.

Council Member Hitchcock expressed concern with what might happen to the Downtown Lodi Business Partnership (DLBP) and its funding if there were a merge of the BID, adding that the BID was difficult to initially form and this effort needs to come from downtown, not the City.

Mr. King explained that the combined BID would have two revenue streams - one from the existing BID and the other from property owners - and it would most likely involve incorporating the new group into the existing BID; however, there are various options to pursue.

Council Member Johnson stressed that most importantly endeavor needs to be made to maintain the momentum that was created at the summit and suggested that efforts be made to implement the strategies that can be realized sooner rather than later.

Mr. King summarized that momentum could be maintained by 1) scheduling a presentation to Council at no cost for a BID merger; 2) requesting information from other cities regarding directional "wayfarer" sign programs; 3) continuing to direct staff to ensure General Plan policies are consistent with the Downtown Summit outcomes; and 4) setting a meeting with downtown property owners and Mayor to begin dialog regarding opportunity sites. Other issues, including

economic development coordinator position, study for daytime anchor, and branding study, would need additional time and dialog.

Council Member Mounce suggested the Lodi-Woodbridge Winegrape Commission pursue the branding concept if it has the funding source.

Mr. King proposed that the Planning Commission review the funding and opportunities for mixed use housing development in the downtown area and that further research be done regarding a possible downtown revitalization implementation plan.

Council Member Hitchcock believed the directional signage program should be the first strategy and that it should be of high quality and be cohesive with existing signage.

Council Member Mounce stated the branding study could be handled in-house instead of with a paid consultant.

In response to Mayor Hansen, Mr. King stated he was unsure what the downtown revitalization implementation plan would entail at this point, but the plan would detail where downtown should be and the steps to take to get there.

Council Member Mounce thanked the members of the Greater Lodi Area Youth Commission for assisting with the downtown surveys and Jaime Watts with DLBP for her efforts in researching other forms of BIDs across the state.

Council Member Johnson suggested that Council Members participate in the process and discussions in order to demonstrate full City support in this effort.

Ann Cerney expressed support for pursuing the BID merger of property owners and business owners.

Jaime Watts, Executive Director of the DLBP, thanked the City for putting on the downtown summit, stating it was beneficial to hear from property owners and business owners on what they want downtown. She has been researching other BIDs, talked with the consultant who spoke at the summit, contacted representatives from the city of Tracy which is currently forming a BID under the advisement of this consultant, and spoken to both the Tracy BID that was being dissolved and the new one being formed. Ms. Watts requested that the DLBP be kept informed and involved in this process

J-4 Adopt Resolution Approving Side Letter Amending the 2008-2010 Memorandum of Understanding between the City of Lodi and the AFSCME Council 57 Local 146-AFL-CIO Maintenance and Operations Unit (CM)

City Manager King reported that the Side Letter with the Maintenance and Operators (M&O) Unit came before Council previously in Closed Session and explained that the amendment is to include the positions of Chief Wastewater Plant Operator and Wastewater Plant Operator I/II/III in the uniform allowance consistent with other employees at the Wastewater Treatment Plant. This amendment would have an annual cost of \$1,500 and would come from the Wastewater Operations Fund.

Council Member Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2009-166 approving Side Letter amending the 2008-2010 Memorandum of Understanding between the City of Lodi and the AFSCME Council 57 Local 146-AFL-CIO Maintenance and Operations Unit.

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-5 Consider Holding a Special City Council Meeting to Discuss the Possibility of Developing a New Proposed Redevelopment Project/Tax Increment Plan (CM)

City Manager King reported that Council has periodically requested pursuing discussion of another type of tax increment or redevelopment plan. There is a year-long moratorium required as a result of the referendum campaign; however, if Council would like to initiate discussion on this matter, he suggested it set a date for a special meeting.

Council Member Mounce disclosed that citizen Jane Lea submitted 1) a letter expressing her disappointment that Council is once again considering this matter and 2) a booklet entitled, "Redevelopment: The Unknown Government." Ms. Mounce questioned how much in redevelopment funds has been spent to date, to which Mr. King responded approximately \$600,000.

John Talbot suggested that the amount spent on the 2002 efforts on redevelopment, as well as City staff time, be added to the \$600,000 and that Council Members attend the redevelopment sessions next March hosted by the Municipal Officers for Redevelopment Reform. He expressed disappointment that the City chose to place the referendum on a special election, which was more costly, rather than the next general election as requested by the proponents. Mr. Talbot pointed to examples in the City where private funds were used to improve areas.

Arlene Farley expressed strong opposition to a third attempt at redevelopment, pointing to examples of redevelopment efforts gone awry, and stated that people were educated on the matter and voted accordingly that they do not want redevelopment in this community.

Marianne Rivera stated she was opposed to any meeting that would debate what has already been discussed; however, any scheduled meetings or proposed plan should greatly involve the public so there is buy in, support, and control over how the money is spent.

Ann Cerney was opposed to revisiting this issue as the people have spoken and she did not want to see City resources utilized in this manner.

Mayor Hansen stated he is willing to discuss whether there is another form of redevelopment that would benefit the City as long as it included specific projects and parameters; however, if public support is lacking, he believed it was not worth pursuing. Mr. Hansen pointed out that the cost of running a city becomes more expensive every year and revenues no longer match expenses. He was in support of setting a special meeting in March 2010 to discuss options.

Council Member Mounce stated her concern is that promises are not always kept and years later future Council decisions would likely be based on the approved plan, regardless of what the original Council or staff intention was. Ms. Mounce stated she would be willing to discuss a new redevelopment project, as improving the east side of Lodi is of utmost importance, but only if the plan were specific and clear on the projects, time line, and how funds will be spent; did not include debt, eminent domain, or gift of public funds; and held future Councils and staff accountable to the promises made in the plan.

Council Member Hitchcock stated that revenues do not meet expenditures and the state

continually takes money from cities. Redevelopment is not a new tax, is a great funding source, and is an opportunity to recapture money that is currently going to the State. She believed the "no" vote on Measure W was because people did not trust government, redevelopment, or the plan and because they felt they had no control over the money. Any future attempt to adopt a redevelopment plan needs to instill trust in and involve the public, needs to have a plan that is clear about what will be done and how it will be funded, and needs to be for developing the east side and its infrastructure; otherwise, the outcome will be the same.

Council Member Mounce stated March was a difficult time for her due to work commitments and she felt it was far too soon to begin discussing this again.

Discussion ensued between Council Members Johnson and Mounce regarding the importance of this discussion and timing, after which Mayor Hansen suggested the date of June 9, 2010, to conduct a special meeting to hear this matter.

Council Member Johnson made a motion, second by Mayor Hansen, to set a special City Council meeting for June 9, 2010, to discuss the possibility of developing a new proposed Redevelopment Project/Tax Increment Plan.

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-6 Approve the "Holiday at the Lake" Event for December 11 - 12, 2009 (COM)

Interim Parks and Recreation Director James Rodems reported that staff has developed a new event, "Holiday at the Lake," scheduled for December 11 - 12, 2009, for the purpose of creating a seasonal gathering, marketing the City's recreational offerings, and highlighting Lodi Lake Park as a regional park. Various organizations will provide booths, decorations with lights, crafts, and holiday carols. Free arts and crafts programs will be provided for children, and refreshments will be available. The event will be sponsored and will cover the costs of advertising.

Ms. Hitchcock expressed concern that the event would take away from the natural atmosphere of the lake and that it might be better suited for the downtown area.

Baubie Wardrobe-Fox, Recreation Commissioner, explained that this event will not be commercial in nature; rather, it will be a family atmosphere to observe the lake decorated for Christmas. The impact of this event will not take away from the daytime experience of the park as it will occur in the evening when the park is typically closed. There will be little impact on the neighbors and traffic, no streets will be closed, and it is an ideal location with scenic views.

In response to Council Member Mounce, Ms. Wardrobe-Fox responded that there would be no amplified music, only carolers, and it does not conflict with any downtown events.

Council Member Johnson made a motion, second by Mayor Pro Tempore Katzakian, to approve the "Holiday at the Lake" event for December 11 - 12, 2009.

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-7 Approve Legal Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation (\$3,672.99) (CA)

Mayor Hansen made a motion, second by Council Member Mounce, to approve legal expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation in the amount of \$3,672.99, as further detailed in the staff report.

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

K. Ordinances

K-1 Adopt Ordinance No. 1826 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 5 - Permits and Regulations - by Adding Chapter 5.17, "State Video Franchises" (CLK)

Council Member Hitchcock made a motion, second by Mayor Pro Tempore Katzakian, to (following reading of the title) waive reading of the ordinance in full and adopt and order to print Ordinance No. 1826 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 5 - Permits and Regulations - by Adding Chapter 5.17, 'State Video Franchises,'" which was introduced at a regular meeting of the Lodi City Council held November 4, 2009.

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

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 11:27 p.m., in memory of Elma Heinrich Proper, who passed away on November 12, 2009.

ATTEST:

Jennifer M. Robison
Assistant City Clerk