

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, FEBRUARY 3, 2010**

- C-1 Call to Order / Roll Call - N/A
- C-2 Announcement of Closed Session - N/A
- 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 February 3, 2010, was called to order by Mayor Katzakian at 7:01 p.m.

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

Absent: None

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

B. Pledge of Allegiance

C. Presentations

C-1 Awards - None

C-2 Proclamations - None

C-3 Presentations

a) Quarterly Update by the Greater Lodi Area Youth Commission (COM)

Priyank Patel, member of the Greater Lodi Area Youth Commission, gave an update on the Commission's activities and accomplishments. Further, Mayor Katzakian presented Certificates of Recognition to the following Teen of the Month recipients: Cassandra Porter – December 2009; Kelsey Snell – January 2010; and Jill Mulrooney – February 2010.

b) Presentation Regarding Carnegie Library Building Centennial, February 12, 2010 (LIB)

Library Services Director Nancy Martinez presented information on the centennial of Lodi's Carnegie Library dedicated on February 12, 1910.

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

Mayor Pro Tempore Hitchcock made a motion, second by Council Member Mounce, 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 Mounce, Mayor

Pro Tempore Hitchcock, and Mayor Katzakian  
Noes: None  
Absent: None

D-1 Receive Register of Claims in the Amount of \$4,580,772.92 (FIN)

Claims were approved in the amount of \$4,580,772.92.

D-2 Approve Minutes (CLK)

The minutes of January 19, 2010 (Shirtsleeve Session), January 20, 2010 (Regular Meeting), and January 26, 2010 (Shirtsleeve Session) were approved as written.

D-3 Accept Quarterly Investment Report as Required by Government Code Section 53646 and the City of Lodi Investment Policy (CM)

Accepted the quarterly investment report as required by Government Code Section 53646 and the City of Lodi Investment Policy.

D-4 Accept Quarterly Report of Purchases Between \$5,000 and \$20,000 (CM)

Accepted the quarterly report of purchases between \$5,000 and \$20,000.

D-5 Receive Report of Sale of Surplus Equipment (PW)

Received the report of sale of surplus equipment.

D-6 Approve Plans and Specifications and Authorize Advertisement for Bids for Lodi GrapeLine Bus Stop Improvements, Various Locations (PW)

Approved the plans and specifications and authorized advertisement for bids for Lodi GrapeLine Bus Stop Improvements, Various Locations.

D-7 Approve Documents and Authorize Advertisement for Request for Proposals for Municipal Service Center PBX Replacement Project (PW)

Approved documents and authorized advertisement for request for proposals for Municipal Service Center PBX Replacement Project.

D-8 Adopt Resolution Authorizing the City Manager to Extend Agreement for General Liability Claims Adjusting and Administrative Services with D.B. Claims Services Group, Inc. (CM)

Adopted Resolution No. 2010-09 authorizing the City Manager to extend the agreement for general liability claims adjusting and administrative services with D.B. Claims Services Group, Inc.

D-9 Adopt Resolution Approving Applications for Statewide Park Program Grant Funds (PR)

Adopted Resolution No. 2010-10 approving applications for statewide park program grant funds.

D-10 Concur with Staff Requests Seeking Federal Assistance to Fund City Projects (CM)

Concur with staff requests seeking Federal assistance to fund City projects.

D-11 Set Public Hearing for February 17, 2010, to Consider Certification of Final Environmental Impact Report and Adoption of the General Plan (CD)

Set public hearing for February 17, 2010, to consider certification of Final Environmental Impact Report and adoption of the General Plan.

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.

Theresa Vuinovic and Nicole Warren, representing Valley Performing Arts, spoke in regard to funding options, including grants, for continuing theater performances in the City of Lodi at Hutchins Street Square. In response to Council Member Hansen, Ms. Vuinovic stated the \$25,000 for South Pacific covers royalties of approximately 30%, costume fees, lighting, equipment rentals, security, and a variety of other costs.

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

Council Member Mounce reported on her attendance at the League of California Cities Conference for Mayors and Council Members and asked City Manager King to look into options for having an annual City Council goal setting session.

Council Member Hansen reported on his attendance at the San Joaquin Council of Governments Executive Committee meeting and Northern California Power Agency (NCPA) Commission meeting. Specific topics of discussion included the approval of the San Joaquin blue print, Interstate 5 widening, improving road conditions on Interstate 5, State funding to replace cement lanes from Country Club Boulevard in Stockton to Sacramento County line, NCPA strategic workshop, climate change, energy efficiency, AB 32, preliminary work on NCPA budget, Capital Day in Sacramento to meet legislators and energy commissioners, Lodi Energy Center permitting, ongoing challenges for Modesto on its contribution to the project, and other subscribers willing to step up if needed.

In response to Council Member Johnson, Mr. King stated there will be a Shirtsleeve Session next Tuesday regarding high speed rail.

Mayor Katzakian reported on his attendance at the League of California Cities Conference for Mayors and Council Members.

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

None.

H. Public Hearings

H-1 Public Hearing to Consider the Approval of the Action Plan Amendment for the Reallocation of Available Community Development Block Grant and Community Development Block Grant - Recovery Program Funding (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 Katzakian called for the public hearing to consider approval of the Action Plan amendment for the reallocation of available Community Development Block Grant (CDBG) and Community Development Block Grant - Recovery (CDBG-R) Program funding.

City Manager King provided a brief introduction to the subject matter of the 2009 Action Plan amendment for the reallocation of the CDBG and CDBG-R funding. Mr. King disclosed that his spouse is a non-paid member of the Board of Directors of the LOEL Center.

Neighborhood Services Manager Joseph Wood provided a PowerPoint presentation regarding the reallocation of the CDBG and CDBG-R funding. Specific topics of discussion included amending the 2009 Action Plan, reallocating the Urban County funding, three sources for reallocated CDBG funding, single source for reallocated CDBG-R funding, the spay and neuter program, the LOEL kitchen project, the handicap ramp/parking retrofit project, total distribution of the proposed funding for City projects/services and community-based organizations, and recommended action regarding the same.

In response to Council Member Johnson, Mr. Wood stated the transfer of the \$17,000 from the graffiti abatement program is due to not meeting the percentage requirements in the targeted area and the program is active on a daily basis.

In response to Council Member Johnson, Mr. Wood stated graffiti is an ongoing battle and some incidents happen in the same location repeatedly. Mr. King stated the issue is one of proportion as to how much money is justified in a targeted area.

In response to Mayor Pro Tempore Hitchcock, Mr. Wood stated for handicap ramps Public Works has a lengthy list of replacement or retrofit projects and works off a complaint or identified problem area basis. Mr. Wood stated the area next to the theater requires about \$25,000 to \$30,000 worth of work to address liability and Americans with Disabilities Act issues. He stated the area is considered a targeted area due to the surrounding public area.

Mayor Pro Tempore Hitchcock requested a copy of the list identifying handicap ramp improvements and replacements in targeted areas.

In response to Council Member Mounce, Mr. Wood stated if approved the funds would be available as early as next Tuesday.

In response to Council Member Hansen, Mr. Wood stated the LOEL Center has asked the County for financial reports as well, the overall project is approximately \$560,000, and the City has contributed \$397,000 toward that amount.

Mayor Katzakian opened the public hearing to receive comments from the public.

Dale Gillespie, representing the LOEL Foundation, stated the proposed \$42,000, combined with \$78,000 from the County, will fund 100% of the project need.

In response to Mayor Pro Tempore Hitchcock, Mr. Gillespie stated the total cost of the project is \$560,000, including kitchen equipment at \$190,000, and the City will have contributed approximately \$440,000 total with the proposed request for tonight.

In response to Council Member Hansen, Mr. Gillespie stated the money from the County is also reallocated CDBG funding. He stated the kitchen has single shift capacity for preparing over 300 meals, which includes previously served seniors as well as those in the outlining areas of the

City.

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

Council Member Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2010-11 approving the amendment of the 2009 Action Plan for reallocation of available Community Development Block Grant (CDBG) funding and approving the reallocation of available Urban County Community Development Block Grant (UC-CDBG) and Community Development Block Grant-Recovery (CDBG-R) Program funding.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H-2 Public Hearing to Consider Adopting an Uncodified Interim Urgency Ordinance Extending Interim Ordinance No. 1823, Imposing a Temporary Moratorium on the Establishment or Operation of Medical Marijuana Dispensaries (CA)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Katzakian called for the public hearing to consider adopting an uncodified interim urgency ordinance extending interim Ordinance No. 1823, imposing a temporary moratorium on the establishment or operation of medical marijuana dispensaries.

City Manager King provided a brief introduction to the subject matter of extending the existing interim moratorium on the establishment or operation of medical marijuana dispensaries.

City Attorney Schwabauer provided a brief presentation regarding extending the existing interim moratorium on the establishment or operation of medical marijuana dispensaries. Specific topics of discussion included the timing of the moratorium, pending court cases, and possible options after the cases are decided upon.

In response to Council Member Mounce, Mr. Schwabauer stated Stockton has two dispensaries and he is not sure of the specific history on those particular dispensaries.

In response to Council Member Hansen, Mr. Schwabauer stated the current initiative proposes to decriminalize possession of marijuana and does not address the sale of the substance or other issues related to establishing and operating dispensaries.

In response to Council Member Johnson, Mr. Schwabauer stated the current pending case with the Supreme Court is fully briefed and waiting on a decision from the Court.

In response to Mayor Pro Tempore Hitchcock, Mr. Schwabauer stated staff will continue to do background work while awaiting the Supreme Court decision.

Mayor Katzakian opened the public hearing to receive comments from the public.

Robin Rushing spoke in support of legalizing possession of marijuana and allowing dispensaries in the City based on the revenue generation and community need.

Mayor Katzakian closed the public hearing after receiving no further comments from the public.

Mayor Pro Tempore Hitchcock made a motion, second by Council Member Mounce, to adopt uncodified interim urgency Ordinance No. 1828 extending interim Ordinance No. 1823 imposing a temporary moratorium on the establishment or operation of medical marijuana dispensaries.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I. Communications

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

I-2 Appointments

a) Post for One Vacancy on the Lodi Budget/Finance Committee (CLK)

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

Lodi Budget/Finance Committee

Louis Ponick, Term to expire June 30, 2013

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I-3 Miscellaneous - None

J. Regular Calendar

J-1 Adopt Resolution Appropriating \$39,000 for Replacement of Damaged Section of Play Structure at Century Park (to be Offset with Insurance Proceeds of Approximately \$14,000) (PR)

City Manager King briefly introduced the subject matter of the Century Park playground replacement. Mr. King specifically discussed the \$25,000 deductible amount, the total \$39,000 anticipated cost, cases for funding and not funding the replacement, park placement adjacent to railroad tracks, Salas Park to the west side of the tracks, neighborhood make-up, unbudgeted amount to be taken from liability reserve, park maintenance budget not able to absorb cost, and possible Council options. Interim Parks and Recreation Director Jim Rodems added that the total amount reflects replacement of the damaged areas with equipment that is Americans with Disabilities Act compliant.

In response to Council Member Mounce, Mr. King stated the Century Boulevard extension and grade separation is at least a decade away, the use of life for the equipment is 7 to 10 years, and it is likely that the safety standards will change sooner than that time.

In response to Council Member Mounce, Mr. Rodems stated there is limited vandalism at the

Century Boulevard playground, the suspect has not yet been caught, and Crimestoppers is offering a reward of \$1,000.

In response to Mayor Pro Tempore Hitchcock, Mr. Rodems stated repairs need to be done to the substructure regardless of the undamaged portion of the playground. Discussion ensued regarding which portion of the diagram was damaged versus undamaged.

In response to Council Member Mounce, Park Superintendent Steve Dutra stated the Century Park playground is dated 2001 and meets the current park safety standards.

In response to Council Member Hansen, Mr. Dutra stated compared with other City parks Century Park has an average usage. Mr. Dutra stated improvements at Century Park can be handled in the same manner as Blakely Park with public outreach, neighborhood ownership of the park, and other community based efforts.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated Community Development Block Grant funding could not be used because the park is not in the targeted area.

In response to Council Member Johnson, Mr. King stated staff could look into options to use public benefit monies for lighting.

Council Member Johnson made a motion, second by Mayor Pro Tempore Hitchcock, to adopt Resolution No. 2010-12 appropriating \$39,000 for replacement of damaged section of play structure at Century Park.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-2 Adopt Resolution Authorizing the City Manager to Enter into a Third Amendment to World of Wonders Science Museum Lease (CM)

City Manager King provided an overview of the World of Wonders (WOW) lease agreement extension and specifically discussed deferral for a one-year period, improvements made to the property by WOW, and sensitivity to current economic conditions.

Sally Snyder, representing the WOW Museum, spoke in favor of the proposed extension to the lease agreement and reviewed the reasoning for the request as set forth in the letter including limited revenues and current economic conditions.

In response to Council Member Hansen, Ms. Snyder stated the agreement for the Exploratorium exhibits has been renewed but presents an ongoing challenge because the rental of the exhibits is \$6,500 per month.

In response to Council Member Hansen, Ms. Snyder stated the WOW Museum is having a fundraiser golf tournament on April 19, 2010, at Woodbridge Golf and Country Club.

In response to Mayor Pro Tempore Hitchcock, Ms. Snyder stated the museum has never received Community Development Block Grant (CDBG) funding. Mr. King stated staff will need to research whether CDBG funding might be used to address improvements to the facility, including mold remediation, since the facility sits in the target area.

General discussion ensued among City Council and Ms. Snyder regarding the WOW Museum and its benefits to the surrounding community.

Council Member Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2010-13 authorizing the City Manager to enter into a third amendment to World of Wonders Science Museum Lease.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-3 Consider Approving the First "Mokelumne River Challenge" on June 12, 2010 (PR)

City Manager King briefly introduced the subject matter of the Mokelumne River Challenge.

Interim Parks and Recreation Director Jim Rodems and Mr. Alan Maclsaac provided an overview of the Mokelumne River Challenge and specifically discussed site benefits, competitor categories, committee sponsors, committed operational event partners, additional event partners, local non-profit benefactors, event labor staffing, and national benefactors.

In response to Council Member Johnson, Mr. Rodems stated staff would attempt to get a single day event rider for insurance to cover the event.

In response to Mayor Pro Tempore Hitchcock, Mr. Maclsaac stated there will likely be between 75 to 150 participants and there will be an awards ceremony at the conclusion of the event.

In response to Mayor Pro Tempore Hitchcock, Mr. Rodems stated the estimated cost recovery for staffing, as with cross country meets, is about \$2,000, and staff will look at special needs to determine cost recovery.

In response to Council Member Mounce, Mr. Maclsaac stated he does not have any direct experience hosting an event like this in another community, but has assisted in putting on various events with non-profits.

In response to Council Member Hansen, Mr. Rodems and Mr. Maclsaac stated the dock can be moved around if needed to allow for disabled participation at an adaptive time.

Mayor Pro Tempore Hitchcock requested a copy of the Calendar of Events scheduled at Lodi Lake.

Council Member Mounce suggested that in the future the relevant Parks and Recreation Commission minutes be attached to reflect the nature of the Commission discussion and action.

Linda Castelanelli, resident near Lodi Lake, spoke in regard to her concerns about boats on the river at the time of the event and safety.

Larry Long, representing the Parks and Recreation Commission, reviewed the Commission discussion on the topic including safety and insurance consideration. In response to Mayor Pro Tempore Hitchcock, Mr. Long stated the Commission decision was unanimous.

Council Member Mounce made a motion, second by Council Member Johnson, to approve the first "Mokelumne River Challenge" on June 12, 2010.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

K. Ordinances - None

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:02 p.m., in memory of Janis "Danene" Edalgo, daughter of Site Plan and Architectural Review Committee Member Roger Stafford, who passed away on January 31, 2010.

ATTEST:

Randi Johl  
City Clerk