

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, APRIL 7, 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 April 7, 2010, was called to order by Mayor Katzakian at 7:05 p.m.

Present: Council Member Hansen, Council Member Johnson, Mayor Pro Tempore Hitchcock, and Mayor Katzakian  
Absent: Council Member Mounce  
Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

- B. Pledge of Allegiance
- C. Presentations
- C-1 Sexual Assault Awareness Month Proclamation

Mayor Katzakian presented a proclamation to Julie Phillips, representing the Women's Center of San Joaquin County, proclaiming the month of April 2010 as "Sexual Assault Awareness Month" in the City of Lodi.

- C-2 National Library Week / National Library Workers' Day Proclamation (LIB)

Mayor Katzakian presented a proclamation to Nancy Martinez, Library Services Director, proclaiming the week of April 11 – 17, 2010, as "National Library Week" and Tuesday, April 13, 2010, as "National Library Workers' Day" in the City of Lodi

- C-3 Keep Lodi Beautiful Month Proclamation (CD)

Mayor Katzakian presented a proclamation to Neighborhood Services Manager Joseph Wood and Waste Management representative Jennelle Bechthold proclaiming the month of April 2010 as "Keep Lodi Beautiful Month" in the City of Lodi.

- C-4 Presentation of Police Silver Star Award (PD)

Police Captain Gary Benincasa presented the Silver Star award to Officer Eric Bradley for his outstanding bravery above and beyond what is expected in the normal course of duty.

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

Mayor Pro Tempore Hitchcock made a motion, second by Council Member Johnson, 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, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: Council Member Mounce

D-1 Receive Register of Claims in the Amount of \$7,206,118.89 (FIN)

Claims were approved in the amount of \$7,206,118.89.

D-2 Approve Minutes (CLK)

The minutes of March 16, 2010 (Shirtsleeve Session), March 17, 2010 (Regular Meeting), March 23, 2010 (Shirtsleeve Session), March 30, 2010 (Shirtsleeve Session), and March 30, 2010 (Special Meeting) were approved as written.

D-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Kofu Park Community Building Energy Efficiency Project (PW)

Approved the plans and specifications and authorized advertisement for bids for Kofu Park Community Building Energy Efficiency Project.

D-4 Approve Plans and Specifications and Authorize Advertisement for Bids for 2010 Street Improvements Project (PW)

Approved the plans and specifications and authorized advertisement for bids for 2010 Street Improvements Project.

D-5 Approve Specifications and Authorize Advertisement for Bids for the Rejuvenation of 15,290 Feet of Underground Electric Cable in English Oaks Phase One (\$145,000) (EUD)

Approved the specifications and authorized advertisement for bids for the rejuvenation of 15,290 feet of underground electric cable in English Oaks Phase One.

D-6 Approve Issuance of Request for Proposals for A-87 Compliant Cost Allocation Plans and Indirect Cost Rates (CM)

Approved the issuance of request for proposals for A-87 compliant cost allocation plans and indirect cost rates.

D-7 Adopt Resolution Approving Purchase of Telescopic Boom for Transit Vehicle Maintenance Facility from United Rentals, of Lodi (\$54,827.27), and Appropriating Grant Funds (\$55,000) (PW)

Adopted Resolution No. 2010-37 approving the purchase of telescopic boom for transit vehicle maintenance facility from United Rentals, of Lodi, in the amount of \$54,827.27, and appropriating grant funds in the amount of \$55,000.

D-8 Adopt Resolution Awarding Contract for DeBenedetti Park - Electrical Improvements, 2350 South Lower Sacramento Road, to Angelo Utilities, of Sacramento (\$223,025), and

Appropriating Funds (\$270,000) (PW)

Adopted Resolution No. 2010-38 awarding contract for DeBenedetti Park - Electrical Improvements, 2350 South Lower Sacramento Road, to Angelo Utilities, of Sacramento, in the amount of \$223,025, and appropriating funds in the amount of \$270,000.

D-9 Adopt Resolution Awarding Contract for Lodi GrapeLine Bus Stop Improvements to Mo/Jas Construction Company, of Stockton (\$35,314) (PW)

Adopted Resolution No. 2010-39 awarding contract for Lodi GrapeLine bus stop improvements to Mo/Jas Construction Company, of Stockton, in the amount of \$35,314.

D-10 Adopt Resolution Approving GrapeLine Fixed Route Senior/Disabled/Medicare Fare (PW)

Adopted Resolution No. 2010-40 approving GrapeLine Fixed Route Senior/Disabled/Medicare Fare.

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.

Kari Chadwick spoke in regard to March for California's Future and the path of the march toward Sacramento with a stop in Lodi. Ms. Chadwick encouraged attendance at the Lodi Rally at Hutchins Street Square on April 13, 2010, at 5:30 p.m.

Stacey Ramsey, representing his security firm, spoke in regard to loitering and vandalizing in the downtown area and offered volunteer services to assist with this challenge.

Diane Sulton, a business owner in downtown, spoke in regard to the growing problem with loitering and vandalism in the downtown area.

Suzanne Houck, a business owner in downtown, spoke in regard to the growing problem with loitering and vandalism in the downtown area.

Ralph Lee spoke in regard to his concern about the lack of parking near the Department of Motor Vehicle building in the City and the process associated with ticketing.

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

Council Member Hansen reported on his attendance at the San Joaquin Council of Governments meeting and budget for the same.

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

City Manager King stated staff will follow up with a community meeting regarding concerns about Elm Street. He also stated parking on the bridge near the Department of Motor Vehicles (DMV) facility is prohibited and the City does not benefit from tickets issued for State Code violations. In response to Council Member Hansen, Mr. King stated DMV is proceeding with the relocation to

a new office, although the specifics of the parking at the new office are not known.

H. Public Hearings

H-1 Public Hearing to Consider the Certification of the Final Environmental Impact Report and Adoption of the General Plan (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 the certification of the Final Environmental Impact Report (EIR) and adoption of the General Plan.

City Manager King provided a brief introduction to the subject matter of the City of Lodi General Plan.

Community Development Director Rad Bartlam and Consultant Rajeev Bhatia provided a PowerPoint presentation regarding the City of Lodi General Plan. Specific topics of discussion included purpose of the General Plan, the planning process, public participation, contents of the General Plan, introduction, land use, growth management and infrastructure, community design and livability, transportation, parks and open space, conservation, safety, noise, implementation of the General Plan, other appendices to the General Plan, changes since August 2009, and recommended action to certify the Final EIR and adopt the General Plan.

In response to Mayor Pro Tempore Hitchcock, Mr. Bhatia stated that, with respect to the policy regarding recreation and joint development of parks and drainage basins, the new policy reflects a separate space for recreation.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated the proposed General Plan seeks to separate the spaces for parks and drainage basins because there is a technical need, the standards for the Clean Water Act require additional treatment before such spaces are jointly used, there was an overall desire for park space to be park space only, and the numbers reflect what is actually on the ground with respect to parks and basins. Mr. King stated the overall yield is higher with the proposed acres for park land versus joint usage.

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

Mike Carouba spoke in support of the proposed General Plan and its pending adoption.

Ann Cerney spoke in regard to her concerns about mitigation with an acre-for-acre policy, which reflects land acquisition instead of money.

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

In response to Mayor Pro Tempore Hitchcock, Public Works Director Wally Sandelin reviewed the past and current practices of parks and drainage basins, joint usage, and the standards regarding the same.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin confirmed that State regulations are changing and the City may not be able to jointly use the spaces in the future. Mr. Sandelin stated he is not sure how other communities are handling the jointly used spaces.

In response to Mayor Pro Tempore Hitchcock, Mr. Bhatia reviewed neighborhood and community park standards and funding, impact fees application to such spaces, and the Quimby Act.

In response to Council Member Johnson, Interim Parks and Recreation Director James Rodems

stated dual capacity will be lost from this point forward but there is no loss of existing recreation use.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated there will be more park space available in the future as a result of the proposed plan based on the built plan and actual numbers.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam confirmed that the past policy was not fully implemented.

In response to Mayor Katzakian, Mr. Bartlam stated the proposed space calculation excludes school park land.

In response to Council Member Hansen, Mr. Bartlam stated there will be more opportunities for parks such as the Century Meadows Park to be built in the future as the parks will be built as a part of the development rather than at a later date.

In response to Council Member Hansen, Mr. Bartlam stated staff disagrees with the analysis in the Farm Bureau letter, the study area is not a land use designation, the County is free to do and act as it will, Section 7.34 outlines the framework for an agricultural conservation program, and the specifics of the policy will take some time to create and implement as various parties will need to assist with that effort.

A brief discussion ensued between Mayor Pro Tempore Hitchcock and Mr. Bhatia regarding the addition of language reflecting that recreational space be maximized.

In response to Mayor Pro Tempore Hitchcock, Mr. Bhatia stated the parks and drainage basin is not an issue that is common to cities outside of a certain radius because water drainage is different in different locations.

In response to Mayor Pro Tempore Hitchcock, Mr. Bhatia confirmed that park impact fees are not driving current policies for park space.

In response to Mayor Pro Tempore Hitchcock, Mr. Bartlam stated four park acres per 1,000 residents could be changed to five park acres per 1,000 residents to alleviate park space concerns.

Council Member Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2010-41 certifying the Final Environmental Impact Report and General Plan; State Clearinghouse No. 009022075.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

I. Communications - None

J. Regular Calendar

J-1 Receive Report on Response to Comments on the Draft Environmental Impact Report/Environmental Assessment for I-5 Widening from Stockton to Southerly Limits of

the White Slough Water Pollution Control Facility (CD) NOTE: This item is carried over from the meeting of 3/17/10

This item was continued to the next regularly scheduled meeting.

J-2 Consider Waste Management's Proposal to Provide \$1,000,000 for Grape Bowl Renovation (CM)

City Manager King provided a brief introduction to the subject matter of the Waste Management proposal. Specific topics of discussion included the conditional offer to provide \$1 million for the Grape Bowl renovation project over an extended period of time, the term of the existing franchise agreement, the proposal associated with the conditional offer including an option to extend the current agreement beyond 2023 by seven years to 2030.

Tom Sanchez, Business Manager for Waste Management, provided a brief overview of the organization's personal and professional reasons to contribute \$1,000,000 to the Grape Bowl renovation project as outlined in the letter provided by Waste Management.

In response to Mayor Pro Tempore Hitchcock, Mr. Sanchez stated Waste Management has approximately 22,000 residential customers and he is not sure about the commercial numbers.

Mayor Katzakian asked for public comment on the item.

Ann Cerney spoke in regard to her concern about the level of commitment to the Grape Bowl project and California Environmental Quality Act application.

Jason Altnow spoke in favor of the proposed contribution based on possible benefit to the community.

Greg Bishop spoke in support of the proposed contribution based on possible benefit to the community. In response to Council Member Hansen, Mr. Bishop stated that, based on his experience as a coach and former football player, the artificial turf will be a good surface for multiple uses.

Erin Aitken spoke in support of the proposed contribution and field improvements based on possible benefit to the community.

David Curran spoke in support of the proposed contribution and Grape Bowl improvements based on possible benefit to the community.

Todd Dillon spoke in support of the proposed contribution and improvements based on possible benefit to the community.

Roy Bitz spoke in opposition to the proposed contribution if it is tied to an extension because he believes the services should be competitively bid.

David Akin, representative from the Parks and Recreation Commission, provided an overview of the discussion at the Commission level, stating that, while there was not a formal vote, the overall discussion of the Commission was positive and in support.

Bob Sheppard spoke in support of the proposed contribution based on the overall benefits and history associated with having the Grape Bowl facility in the City.

Jerry Shuman spoke in support of the proposed contribution, stating the rates and services

should be shopped at the appropriate time.

In response to Council Member Hansen, Mr. King stated customer service is an element of the contract and there are options if the customer service declines.

Mayor Pro Tempore Hitchcock stated that, while she acknowledges the good service that Waste Management provides, she will not be able to support the matter without additional information regarding possible costs associated with the extension.

In response to Council Member Hansen, Mr. King stated rates is a separate piece of the contract entirely and is not tied to the current proposal.

Council Member Hansen made a motion, second by Council Member Johnson, to accept Waste Management's proposal to provide \$1,000,000 for Grape Bowl renovations.

VOTE:

The above motion carried by the following vote:

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

Noes: Mayor Pro Tempore Hitchcock

Absent: Council Member Mounce

J-3 Adopt Resolution Awarding Contract for Lodi Grape Bowl All-Weather Surface Project to Western Engineering Contractors, Inc., of Loomis (\$592,675), Approving Purchase and Installation of All-Weather Surface through Fieldturf USA, Inc., of Montreal, Quebec (\$686,000), and Appropriating Funds (\$1,366,000) (PW)

City Manager King briefly introduced the subject matter of the contract for the all-weather surface project and the proposed purchase and installation of the same.

Public Works Director Wally Sandelin provided a brief presentation regarding the proposed award of contract for the all-weather surface project and the purchase and installation of the same as discussed in the relevant staff report.

Council Member Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2010-42 awarding contract for Lodi Grape Bowl All-Weather Surface Project to Western Engineering Contractors, Inc., of Loomis, in the amount of \$592,675, approving purchase and installation of all-weather surface through Fieldturf USA, Inc., of Montreal, Quebec, in the amount of \$686,000, and appropriating funds in the amount of \$1,366,000.

VOTE:

The above motion carried by the following vote:

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

Noes: Mayor Pro Tempore Hitchcock

Absent: Council Member Mounce

J-4 Provide Direction to Amend Fee Payment Agreement for 1341 East Kettleman Lane (Holiday Inn Express) (CM)

City Manager King briefly introduced the subject matter of the proposed amendment to the fee payment agreement for the Holiday Inn Express.

Beth Kim, owner of the Holiday Inn Express, provided an overview of the family owned and operated business, the affect of the negative economy on the business, and the request for the amendment to the current fee agreement.

In response to Council Member Hansen, Ms. Kim stated a significant portion of the business is handled through on line reservations and it is the largest contribution due to business because of the brand.

In response to Council Member Hansen, Mr. King and Ms. Kim confirmed that the eight months may not be a good time frame and the hotel has the ability to generate \$80,000 to \$100,000 in Transient Occupancy Tax based on a \$2 million annually at 9% formula.

In response to Mayor Pro Tempore Hitchcock, Mr. King stated the amendment to the fee agreement may set a precedent, although it would not impact any current projects, and the City has previously allowed deferrals with Council approval.

In response to Council Member Johnson, Mr. King stated the Council could do a deferral based upon some other structure depending upon preference, with the idea that the deferral should only occur once with an adequate amount of relief for the one-year period.

Council Member Hansen made a motion, second by Mayor Pro Tempore Hitchcock, to authorize staff to review options for a mutually acceptable deferral, amend the Fee Payment Agreement for 1341 East Kettleman Lane (Holiday In Express) accordingly, and bring back the item for final approval.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

J-5 Adopt Resolution Authorizing the City Manager to Execute a Purchase and Development Agreement with Eden Housing, Inc. Regarding Senior Housing Project at 2245 Tienda Drive (CD)

City Manager King briefly introduced the subject matter of the Eden Housing Purchase and Development Agreement.

Neighborhood Services Manager Joseph Wood provided a PowerPoint regarding the Purchase and Development Agreement with Eden Housing. Specific topics of discussion included terms and conditions, history of the project to date, public outreach, Planning Commission approval, and the next steps.

In response to Council Member Hansen, Katie Lamont of Eden Housing, stated Eden Housing is advantaged in competition and Department of Housing and Urban Development (HUD) funding based on its good track record. She stated five applications were submitted to HUD this year, Eden applied for all 39 units and there is a one in five chance of approval. Ms. Blackman stated she is confident that the HUD housing will come through and there are a variety of options if it does not.

In response to Council Member Johnson, Ms. Lamont stated the quality of the project remains the same regardless of the funding source, the tenant mix will be seniors, and the only variable is the age and whether it will start at 55 or 62.

In response to Mayor Pro Tempore Hitchcock, Ms. Lamont stated the project will remain an affordable senior housing project and the only variance will be the age of the seniors.

In response to Mayor Pro Tempore Hitchcock, Mr. Wood stated all funding options for the park and housing are being explored and a passive park incorporating the existing oaks is planned.

A brief discussion ensued between Mayor Pro Tempore Hitchcock, Mr. King, and Mr. Schwabauer regarding an overview of the improvements sought, how impact fees may be applied, and the requirement to spend the money on specific projects.

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2010-43 authorizing the City Manager to execute a 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 Hansen, Council Member Johnson, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: Council Member Mounce

J-6 Receive Presentation on Proposed New Sales Tax Electric Rate Discount and Provide Electric Utility Department with Direction (EUD)

City Manager King briefly introduced the subject matter of the proposed new sales tax rate discount.

Interim Electric Utility Director Ken Weisel provided a PowerPoint presentation regarding the proposed new sales tax rate discount. Specific topics of discussion included goals, qualifications, discount, timeline, and recommended action.

In response to Mayor Pro Tempore Hitchcock, Mr. Weisel stated it is difficult to say if the proposed discount will be a cost or benefit to the Electric Fund, although it is a positive for the General Fund.

In response to Mayor Pro Tempore Hitchcock, Mr. Weisel stated the majority of the customer cost is fixed in the base rate and the discount can be affordably given.

In response to Council Member Johnson, Mr. Weisel stated the process will include getting an estimate from the customer, validating the amount, and entering into an agreement.

In response to Council Member Johnson, Mr. Weisel stated staff is making sure the discount is given to those who can use it, it is unknown whether customers will take advantage of the discount, and it is more of a pilot program at this time.

Council Member Johnson made a motion, second by Mayor Pro Tempore Hitchcock, to receive presentation on proposed new sales tax electric rate discount and authorize staff to move forward with the program as recommended.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

J-7 Adopt Resolution Approving Salary Range and Reclassification for the Position of Substation/Meter Superintendent (CM)

Interim Electric Utility Director Ken Weisel provided a brief PowerPoint presentation regarding the proposed salary range and reclassification for the Substation/Meter Superintendent. Specific topics of discussion included substations, organizational structure, concerns, recruitment, skills, internal pay comparisons, and the proposed recommendation.

In response to Council Member Hansen, Mr. Weisel stated staff has performed external comparisons and the position is currently about 16% below average. He stated the lack of a good candidate pool may be the result of several things but pay and reclassification is what staff is aware of at this time.

In response to Mayor Pro Tempore Hitchcock, Mr. Weisel stated the retail meter supervisions has been added to the job description and the position has been vacant for some time.

In response to Mayor Pro Tempore Hitchcock, Human Resources Manager Dean Gualco stated typically staff attaches a summary to a reclassification request, the comparisons are consistent with a superintendent and not a supervisor, and the salary change is consistent with the title and duty change.

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2010-44 approving salary range and reclassification for the position of Substation/Meter Superintendent.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

K. Ordinances - None

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 11:55 p.m.

ATTEST:

Randi Johl  
City Clerk