

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 16, 2010**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of June 16, 2010, was called to order by Mayor Pro Tempore Hitchcock at 6:00 p.m.

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

Absent: Mayor Katakian

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

C-2 Announcement of Closed Session

- a) Prospective Acquisition of Real Property for Right-of-Way Acquisitions and Street Easement Deed Dedications from Certain Property Owners Located Within the Lockeford Street and Hutchins Street Widening Project Limits, Lodi, California; the Negotiating Parties are Douglas A. and Susan L. Larsson (APN 041-230-08); Dale E. Werner, Jr. and Susan Lenn (APN 041-230-34); Michael Guddal (APN 041-230-35); Ronald and Rosemary Anderson (APN 042-083-01); UPRR (APN 043-085-17 and APN 043-202-29); Gary D. and Nancy E. Herd (APN 043-090-14); John Graffigna Family LP (APN 043-202-26); Michael German (APN 037-310-39); and Hal M. and Shirley A. Jones (APN 037-310-41)
- b) Government Code Section 54956.9; Actual Litigation; Jeremy Hixson v. City of Lodi and Lodi Unified School District, United States Eastern District Court Case Number 2:10-CV-01128-MCE-GGH
- c) Conference with Dean Gualco, Human Resources Manager (Labor Negotiator), Regarding AFSCME General Services and Maintenance & Operators and Lodi Professional Firefighters Pursuant to Government Code §54957.6

C-3 Adjourn to Closed Session

At 6:00 p.m., Mayor Pro Tempore Hitchcock adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 7:00 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:03 p.m., Mayor Pro Tempore Hitchcock reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Items C-2 (a), C-2 (b), and C-2 (c), all items were discussion and negotiating direction only; there was no reportable action.

A. Call to Order / Roll call

The Regular City Council meeting of June 16, 2010, was called to order by Mayor Pro Tempore Hitchcock at 7:03 p.m.

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

Absent: Mayor Katzakian

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

B. Pledge of Allegiance

C. Presentations - None

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

Council Member Mounce made a motion, second by Council Member Johnson, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Katzakian

D-1 Receive Register of Claims in the Amount of \$6,054,169.79 (FIN)

Claims were approved in the amount of \$6,054,169.79.

D-2 Approve Minutes (CLK)

The minutes of May 5, 2010 (Regular Meeting), May 19, 2010 (Regular Meeting), May 25, 2010 (Shirtsleeve Session), June 1, 2010 (Shirtsleeve Session), June 2, 2010 (Regular Meeting), and June 8, 2010 (Shirtsleeve Session) were approved as written.

D-3 Approve Specifications and Authorize Advertisement for Bids for 500 Tons of Asphalt Materials for Fiscal Year 2010/11 (PW)

Approved the specifications and authorized advertisement for bids for 500 tons of asphalt materials for fiscal year 2010/11.

D-4 Approve Specifications and Authorize Advertisement for Bids for Traffic Signal Preventive Maintenance and Inspection Program for Fiscal Year 2010/11 (PW)

Approved the specifications and authorized advertisement for bids for traffic signal preventive maintenance and inspection program for fiscal year 2010/11.

D-5 Adopt Resolution Authorizing the City Manager to Execute Task Order No. 2 with Nolte Associates, Inc., of Manteca, to Provide Engineering Services for G-Basin Stormwater Pump Station Design (\$245,165) and Appropriating Funds (\$250,000) (PW)

Adopted Resolution No. 2010-88 authorizing the City Manager to execute Task Order No. 2 with Nolte Associates, Inc., of Manteca, to provide engineering services for G-Basin stormwater pump station design in the amount of \$245,165 and appropriating funds in the amount of \$250,000.

D-6 Adopt Resolution Awarding Contract to FCS Group for OMB A-87 Cost Allocation Plan and Indirect Cost Rate Services for a Five-Year Period (\$77,000) (CM)

Adopted Resolution No. 2010-89 awarding the contract to FCS Group for OMB A-87 Cost

Allocation Plan and indirect cost rate services for a five-year period in the amount of \$77,000.

D-7 Adopt Resolution Approving Five-Year Extension of Contract with LaRue Communications, Inc., of Stockton, for Public Works 800 MHz Radio Transmission Service (\$11,700 Annually) (PW)

Adopted Resolution No. 2010-90 approving five-year extension of contract with LaRue Communications, Inc., of Stockton, for Public Works 800 MHz radio transmission service in the amount of \$11,700 annually.

D-8 Adopt Resolution Approving Contracts for Fiscal Year 2010/11 with United Cerebral Palsy of San Joaquin, Amador, and Calaveras Counties, of Stockton, for Downtown Cleaning (\$46,686) and Transit Facility Cleaning (\$38,456) (PW)

D-9 Adopt Resolution Approving Contract for Fiscal Year 2010/11 with United Cerebral Palsy of San Joaquin, Amador, and Calaveras Counties, of Stockton, for Grounds Maintenance at Hutchins Street Square Community Center (\$27,625.13) (COM)

Items D-8 and D-9 were pulled simultaneously by Council Member Johnson for further discussion.

In response to Council Member Johnson, Public Works Director Wally Sandelin stated staff is looking into other City facilities and options for expanding the services provided by United Cerebral Palsy in light of the good service it provides although it may also be a question for the bargaining groups.

Council Member Johnson made a motion, second by Council Member Mounce, to adopt Resolution No. 2010-97 approving contracts for Fiscal Year 2010/11 with United Cerebral Palsy of San Joaquin, Amador, and Calaveras Counties, of Stockton, for downtown cleaning in the amount of \$46,686 and transit facility cleaning in the amount of \$38,456; and to adopt Resolution No. 2010-98 approving contract for Fiscal Year 2010/11 with United Cerebral Palsy of San Joaquin, Amador, and Calaveras Counties, of Stockton, for grounds maintenance at Hutchins Street Square Community Center in the amount of \$27,625.13.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Katzakian

D-10 Adopt Resolution Approving One-Year Extension of 2007 Tree Trimming Contract with West Coast Arborists, Inc., of Stockton, for Fiscal Year 2010/11 (\$40,000) (PW)

Adopted Resolution No. 2010-91 approving one-year extension of 2007 tree trimming contract with West Coast Arborists, Inc., of Stockton, for fiscal year 2010/11 in the amount of \$40,000.

D-11 Adopt Resolution Approving One-Year Extension of Fiscal Year 2009/10 Curb, Gutter, and Sidewalk Replacement Contract with Jeff Case Construction Company, of Galt, for Fiscal Year 2010/11 (\$46,570) (PW)

Adopted Resolution No. 2010-92 approving one-year extension of fiscal year 2009/10 curb, gutter, and sidewalk replacement contract with Jeff Case Construction Company, of Galt, for fiscal year 2010/11 in the amount of \$46,570.

- D-12 Adopt Resolution Approving Contract with Lodi Unified School District to Provide After School Staff Support for the Bridge Program at Eight Locations During Fiscal Year 2010/11 (\$336,000) (PR)

Adopted Resolution No. 2010-93 approving contract with Lodi Unified School District to provide after school staff support for the Bridge Program at eight locations during fiscal year 2010/11 in the amount of \$336,000.

- D-13 Adopt Resolution Authorizing Renewal of Support Agreement for Electronic Customer Information Billing System with Vertex Business Services, of Bend, OR, and Grant City Manager Authority to Approve Subsequent Annual Renewals (\$62,456.62) (CM)

Adopted Resolution No. 2010-94 authorizing renewal of support agreement for electronic customer information billing system with Vertex Business Services, of Bend, OR, and granting City Manager authority to approve subsequent annual renewals in the amount of \$62,456.62.

- D-14 Adopt Resolution Authorizing the Issuance of CAL-Card Procurement Cards to City of Lodi Department Heads and Cancel Farmers and Merchants Bank VISA Cards (CM)

This item was pulled for further discussion by Robin Rushing.

In response to Robin Rushing, Deputy City Manager Jordan Ayers stated that the City is receiving a better deal by switching to the Cal-Card because Farmers and Merchants is now outsourcing its credit card function and the Cal-Card provides rebates.

Council Member Johnson made a motion, second by Council Member Mounce, to adopt Resolution No. 2010-99 authorizing the issuance of CAL-Card Procurement Cards to City of Lodi Department Heads and canceling Farmers and Merchants Bank VISA Cards.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Katzakian

- D-15 Adopt Resolution Authorizing the City Manager to Submit an Application to the California State Department of Housing and Community Development for Funding under the CalHome Program; and to Execute the Standard Agreement, Any Amendments Thereto, and Any Related Documents Necessary to Participate in the CalHome Program (CD)

Adopted Resolution No. 2010-95 authorizing the City Manager to submit an application to the California State Department of Housing and Community Development for funding under the CalHome Program; and to execute the standard agreement, any amendments thereto, and any related documents necessary to participate in the CalHome Program.

- D-16 Accept Memorial Tree and Plaque Donation from Timothy and Mary Spencer in Honor of Joseph Ware Spencer (PR)

Accepted the memorial tree and plaque donation from Timothy and Mary Spencer in honor of Joseph Ware Spencer.

- D-17 Authorize the Mayor, on Behalf of the City Council, to Send a Letter of Opposition to

Senate Bill 625 (Wright) Transient Occupancy Tax Collection (CM)

Authorized the Mayor, on behalf of the City Council, to send a letter of opposition to Senate Bill 625 (Wright) Transient Occupancy Tax Collection.

D-18 Adopt Resolution Ratifying the San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2010/11 (PW)

Adopted Resolution No. 2010-96 ratifying the San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2010/11.

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.

Robin Rushing spoke in support of having a medical marijuana dispensary in the City of Lodi.

Alex Aliferis spoke in regard to his concerns about unkempt rental and foreclosure properties.

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

Council Member Hansen provided comments regarding the possible reasons why Proposition 16 failed in the June 2010 Statewide Primary Election.

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

Interim City Manager Rad Bartlam commended those involved with the dedication of the Japantown mural on June 12, 2010.

H. Public Hearings - None

I. Communications

I-1 Appointments to the Greater Lodi Area Youth Commission, Library Board of Trustees, and Lodi Arts Commission and Direct City Clerk to Re-Post for One Vacancy on the Planning Commission (CLK)

Council Member Johnson made a motion, second by Council Member Hansen, to make the following appointments and to direct the City Clerk to re-post for one vacancy on the Planning Commission:

APPOINTMENTS:

Greater Lodi Area Youth Commission

(Adult Advisor)

Alison McGregor, Term to expire May 31, 2013

(Student Members)

Jason Larkin, Term to expire May 31, 2011

Derek Schatz, Term to expire May 31, 2011
Ranjot Basram, Term to expire May 31, 2012
Carson Kautz, Term to expire May 31, 2012
Alex Maldonado, Term to expire May 31, 2012
Kelley McConahey, Term to expire May 31, 2012
Allison Schatz, Term to expire May 31, 2012

Library Board of Trustees

George Neely, Term to expire June 30, 2013
Scot F. Martin, Term to expire June 30, 2013

Lodi Arts Commission

Teri Turrentine, Term to expire July 1, 2013
Daesa M. Hoppie, Term to expire July 1, 2013
Maria Magana, Term to expire July 1, 2013

POSTING:

Planning Commission

One Vacancy, Term to expire June 30, 2014

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Katzakian

I-2 Monthly Protocol Account Report (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, to approve the cumulative Monthly Protocol Account Report through May 31, 2010.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Katzakian

J. Regular Calendar

J-1 Report to City Council Regarding Elm Street Merchants' and Residents' Concerns on Elm Street (School Street to Sacramento Street) (PW)

Interim City Manager Bartlam provided a brief introduction into the subject matter of the concerns regarding Elm Street.

Public Works Director Wally Sandelin and Interim Police Chief Gary Benincasa provided a presentation regarding the merchant and resident concerns about Elm Street. They specifically discussed the March 2001 approved improvements in the subject area, concerns received from business owners regarding loitering and homelessness, community meeting with merchants and youth, suggestion regarding entirely or partially removing benches, and the decrease in complaints due to the youth and transients relocating elsewhere.

In response to Mayor Pro Tempore Hitchcock, Chief Benincasa stated one possible reason for the youth relocating is that they were offended and did not feel welcome.

In response to Council Member Hansen, Chief Benincasa stated coverage in downtown includes vice patrol four days a week and ten hours a day. He stated there is no coverage every other weekend although auxiliary officers sometimes fill in and there was increased enforcement due to the complaints received about the youth and transient loitering.

In response to Council Member Mounce, Chief Benincasa stated there is some cause and effect in that when a segment relocates it goes from one place to another.

In response to Mayor Pro Tempore Hitchcock, Chief Benincasa stated he is not sure what the exact cause of the bench removal will be as the individuals could go elsewhere or stay and loiter on the sidewalks.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated bench cleaning was an item that was raised during the community and the impact is minimal.

Greg Soligan spoke in support of removing four benches to see what kind of effect the removal would have on the vagrant loitering. Mr. Soligan offered to remove and relocate the benches at no cost.

In response to Council Member Johnson, Mr. Soligan stated several vagrants loiter near Saigon Grill, the east side alley, Jan's Sweet Treasures, and Merlot and the benches have become a gathering spot for the same.

In response to Council Member Johnson, Mr. Soligan stated there are still complaints about people feeling safe enough to walk from the parking garage to the theater.

In response to Council Member Hansen, Mr. Soligan stated he believes that the removal of the benches will help distribute the vagrant population more evenly.

In response to Council Member Hansen, Mr. Soligan stated staff does have some extra benches available should the Council want to place some near the Salvation Army facility.

Suzanne Houlk spoke in support of removing all the benches, relocating the benches near the Salvation Army location, and also suggested as options placing time limits on the benches and loitering near the liquor store, fixing and enhancing area lights, and using sound systems and web cams.

In response to Council Member Hansen, Ms. Houlk stated she has seen some improvements because the youth that used to loiter are gone and her primary concern is the vagrancy.

In response to Council Member Hansen, Mr. Sandelin stated the larger lights in the area can be fixed and the smaller lights have a design flaw for which Electric Utility is seeking a public benefits grant to replace with LED lights.

In response to Council Member Johnson, Chief Benincasa confirmed that Lawrence Park has been the primary gathering place for the vagrants and stated he is not aware of the City of Boston's program with the combat zone, but he is of the belief that if you build it they will come from other communities as well and the problem will increase.

In response to Council Member Johnson, City Attorney Schwabauer stated everyone has a right

to loiter on public property and they can be cited for public drunkenness or urinating in public; however, they cannot be cited for begging or cursing unless it rises to level of being threatening.

In response to Mayor Pro Tempore Hitchcock, Mr. Schwabauer stated Supreme Court cases typically do not limit loitering around liquor stores that are otherwise public properties but he will research the matter further.

Park Superintendent Steve Dutra stated the parks are experiencing some rise in vandalism and vagrant loitering and staff is working with the Police Department to alleviate some of those concerns.

Robin Rushing spoke in support of playing unattractive music for youth and vagrants in the downtown area through a sound system and providing additional lighting as well.

Amanda Mayer spoke in support of providing additional lighting in the subject area and additional awareness of the security in the parking garage. Mr. Bartlam confirmed the parking garage does have security, and Mr. Schwabauer suggested the business owner use the aggressive panhandling ordinance as a tool.

In response to Council Member Hansen, Officer Ken Slater stated the youth have primarily left the area, there are about eight individual vagrants in the area of whom only one is actually homeless since others have addresses, they are only legally wrong about 2 out every 50 times, he is not sure if they are aware of the complaints received about their loitering, security paid by the theater has helped some, and the security at the garage is present in the evenings only.

In response to Council Member Hansen, Mr. Sandelin stated there may be some connection with vagrants loitering in downtown after they need to be gone from the Salvation Army and staff can look into options for bench relocation near the Salvation Army facility.

In response to Council Member Johnson, Mr. Schwabauer stated there may be some ability to collect police reports regarding complaints received near the liquor store location and affect the store's licensing although it would be difficult to cite the store itself.

In response to Council Member Hansen, Mr. Schwabauer stated he will research the law and the effectiveness of existing ordinances.

Council Member Hansen made a motion, second by Mayor Pro Tempore Hitchcock, to remove four of the eight benches from the area discussed and look into options for relocation near the Salvation Army facility.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Katzakian

J-2 Authorize Staff to Modify the Lodi Professional Firefighter Association Labor Unit Memorandum of Understanding According to the Signed Tentative Agreement (CM)

Human Resources Manager Dean Gualco provided a brief overview of the proposed modification to the Lodi Professional Firefighter Association's Memorandum of Understanding as outlined in the relevant staff report.

Council Member Mounce made a motion, second by Council Member Hansen, to authorize staff to modify the Lodi Professional Firefighter Association Labor Unit Memorandum of Understanding according to the signed Tentative Agreement.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Katzakian

- J-3 Authorize Staff to Modify Memorandums of Understanding According to Signed Side Agreements for General Services and Maintenance & Operators Bargaining Associations (CM)

Human Resources Manager Dean Gualco provided a brief presentation regarding the proposed modification to the Memorandum of Understanding for General Services and Maintenance and Operators as outlined in the relevant staff report.

Council Member Johnson made a motion, second by Council Member Mounce, to authorize staff to modify Memorandums of Understanding according to signed Side Agreements for General Services and Maintenance & Operators bargaining associations.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Katzakian

- J-4 Adopt Resolution Amending Resolution 2010-69 (Granting Designated Period for Two Years Additional Service Credit) to Exclude the Classification of Park Maintenance Worker II (CM)

Human Resources Manager Dean Gualco provided a brief presentation regarding the proposal to exclude the Park Maintenance Worker II classification from the two years additional service credit program as outlined in the relevant staff report.

Council Member Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2010-100 amending Resolution 2010-69 (granting designated period for two years additional service credit) to exclude the classification of Park Maintenance Worker II.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Katzakian

- K. Ordinances

- K-1 Adopt Ordinance No. 1831 Entitled, "An Ordinance of the Lodi City Council Authorizing an Amendment to the Contract Between the City Council of the City of Lodi and the Board of

Administration of the California Public Employees' Retirement System" (CLK)

Council Member Johnson made a motion, second by Council Member Mounce, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1831 entitled, "An Ordinance of the Lodi City Council Authorizing an Amendment to the Contract Between the City Council of the City of Lodi and the Board of Administration of the California Public Employees' Retirement System," which was introduced at a regular meeting of the Lodi City Council held May 19, 2010.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Katzakian

K-2 Adopt Ordinance No. 1832 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 15 - Buildings and Construction - Chapter 15.64, 'Development Impact Mitigation Fees,' by Repealing and Reenacting Section 15.64.040 Relating to the Timing of the Collection of Impact Fees During the Period July 1, 2010 Through June 30, 2013" (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1832 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 15 - Buildings and Construction - Chapter 15.64, 'Development Impact Mitigation Fees,' by Repealing and Reenacting Section 15.64.040 Relating to the Timing of the Collection of Impact Fees During the Period July 1, 2010 Through June 30, 2013," which was introduced at a regular meeting of the Lodi City Council held June 2, 2010.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Katzakian

L. 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