

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 4, 2010**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of August 4, 2010, was called to order by Mayor Katzakian at 7:04 p.m.

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

Absent: Council Member Mounce

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

C-2 Announcement of Closed Session

- a) Prospective Sale of Giant Garter Snake Habitat Conservation Easement Covering 0.15 Acres of 12751 North Thornton Road, Lodi; Negotiating Parties Are Rad Bartlam for the City of Lodi and Port of Stockton; Price and Terms Are Under Negotiation; Pursuant to Government Code §54956.8

C-3 Adjourn to Closed Session

At 6:52 p.m., Mayor Katzakian adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 7:00 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:04 p.m., Mayor Katzakian reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following action.

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

A. Call to Order / Roll call

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

Absent: Council Member Mounce

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

B. Pledge of Allegiance

C. Presentations

C-1 Quarterly Update by the Greater Lodi Area Youth Commission (COM)

Mandy Majidian and Dey Nave, members of the Greater Lodi Area Youth Commission, gave an update on the activities and accomplishments of the Commission. Mayor Katzakian then presented Certificates of Recognition to the following Teen of the Month award recipients: Alyson Hamlet - June 2010; Danielle Spray - July 2010; and Rochelle Lippert - August 2010 (who was

unable to attend the meeting).

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, **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, Mayor Pro Tempore Hitchcock, and Mayor Katakian

Noes: None

Absent: Council Member Mounce

D-1 Receive Register of Claims in the Amount of \$3,388,191.45 (FIN)

Claims were approved in the amount of \$3,388,191.45.

D-2 Approve Minutes (CLK)

The minutes of July 20, 2010 (Shirtsleeve Session), July 21, 2010 (Regular Meeting), and July 27, 2010 (Shirtsleeve Session) were approved as written.

D-3 Approve Specifications and Authorize Advertisement for Bids for Extruded Thermoplastic Traffic Stripes for Various City Streets 2010 (PW)

Approved the specifications and authorized advertisement for bids for extruded thermoplastic traffic stripes for various City streets 2010.

D-4 Adopt Resolution Authorizing Sole Source Procurement of Residential Water Meters from Badger Meter, Inc., of Milwaukee, Wisconsin, for City of Lodi Residential Water Meter Program (PW)

Adopted Resolution No. 2010-125 authorizing the sole source procurement of residential water meters from Badger Meter, Inc., of Milwaukee, Wisconsin, for the City of Lodi Residential Water Meter Program.

D-5 Adopt Resolution Approving Purchase of Vac-Con Sewer Vacuum Truck from Municipal Maintenance Equipment, Inc., of Sacramento (\$316,518) (PW)

Adopted Resolution No. 2010-126 approving the purchase of vac-con sewer vacuum truck from Municipal Maintenance Equipment, Inc., of Sacramento, in the amount of \$316,518.

D-6 Adopt Resolution Approving the Purchase of Encoder Receiver Transmitter Equipped Itron Solid-State Meters from General Pacific, of Portland, OR (\$333,000) (EUD)

Adopted Resolution No. 2010-127 approving the purchase of encoder receiver transmitter equipped Itron solid-state meters from General Pacific, of Portland, OR, in the amount of \$333,000.

D-7 Adopt Resolution Awarding Contract for Well 27 On-Site Improvements to A.M. Stephens Construction Company, Inc., of Lodi (\$172,106), and Appropriating Funds (\$234,000) (PW)

Adopted Resolution No. 2010-128 awarding the contract for Well 27 on-site improvements to A.M. Stephens Construction Company, Inc., of Lodi, in the amount of \$172,106, and appropriating funds in the amount of \$234,000.

D-8 Adopt Resolution Awarding Contract for Traffic Signal Preventive Maintenance and Repair Program to Republic ITS, of Novato (\$17,819), and Authorizing the City Manager to Negotiate and Execute One-Year Contract Extension (PW)

Adopted Resolution No. 2010-129 awarding the contract for Traffic Signal Preventive Maintenance and Repair Program to Republic ITS, of Novato, in the amount of \$17,819, and authorizing the City Manager to negotiate and execute a one-year contract extension.

D-9 Adopt Resolution Authorizing Additional Task Order with West Yost Associates for Fiscal Year 2010/11 to Provide Permit Assistance and Prepare Various Studies Required by City's Wastewater Discharge Permit (\$284,400) (PW)

Adopted Resolution No. 2010-130 authorizing additional Task Order with West Yost Associates for fiscal year 2010/11 to provide permit assistance and prepare various studies required by City's Wastewater Discharge Permit in the amount of \$284,400.

D-10 Adopt Resolution Accepting Improvements Under Contract for Grape Bowl Americans with Disabilities Act (ADA) Construction Project and Appropriating Funds (\$89,700) (PW)

Adopted Resolution No. 2010-131 accepting improvements under contract for Grape Bowl Americans with Disabilities Act (ADA) Construction Project and appropriating funds in the amount of \$89,700.

D-11 Adopt Resolution Approving Contract Change Orders No. 1, No. 2, and No. 3 and Appropriating Additional Funds for Lodi Grape Bowl All-Weather Surface Project (\$134,400) (PW)

Interim City Manager Bartlam briefly introduced the subject matter of the proposed resolution approving change orders for the all-weather surface project. Public Works Director Wally Sandelin provided a brief presentation regarding the proposed change orders for the Lodi Grape Bowl all-weather surface project.

In response to Council Member Hansen, Mr. Sandelin stated four handicap stalls is minimum requirement and staff is trying to keep costs down to a minimum. Mr. Sandelin stated the two lower spaces cost \$20,000 and the two upper spaces cost \$45,000. He stated the stalls must have a certified path of travel to the event location.

In response to Council Member Hansen, Mr. Sandelin stated the concrete walkway does not affect the drainage.

In response to Council Member Johnson, Mr. Sandelin provided an overview of the location of the upper and lower handicap parking stalls on the map of the site.

In response to Council Member Johnson, Mr. Sandelin stated the 10,000 and 7,000 figures represent future planned seating capacity. Mr. Bartlam stated that, despite any action that is taken by the Council tonight, the facility is still non Americans with Disabilities Act compliant and improvements will be ongoing. A brief discussion ensued between the City Council, City Manager, and Mr. Sandelin regarding the same.

In response to Council Member Johnson, Mr. Bartlam provided an overview of the metal stair and

concrete stair options, stating both are acceptable from a regulatory standpoint although the concrete stair option is a better long-term improvement.

In response to Council Member Johnson, Mr. Sandelin stated the handicap ramp goes down to the parking stalls and the concrete walkways and sidewalks are connected for a clear path of travel.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated that, when reviewing the existing ramp placement and the proposed improvements, staff saw an opportunity to bring the late developing concrete stairway option to Council so that it can make the decision.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated over time gravel will have weed growth and become compacted and concrete will be the cleaner installation.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin and Mr. Schwabauer reviewed the handicap sidewalk and accessible parking stall related rules and regulations.

In response to Mayor Pro Tempore Hitchcock, Mr. Schwabauer stated schools go through the State versus the City when installing handicap accessible parking stalls and different regulations may apply.

In response to Mayor Katzakian, Mr. Sandelin stated there is drainage with a metal grate.

In response to Mayor Pro Tempore Hitchcock, Mr. Sandelin stated there is adequate room between the concrete wall and the positioning of the soccer and football fields.

Jack Fiore spoke in support of the proposed change orders for the Grape Bowl facility based on overall benefit to the community.

Council Member Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2010-139 approving Contract Change Orders No. 1, No. 2, and No. 3 and appropriating additional funds for Lodi Grape Bowl all-weather surface project in the amount of \$134,400.

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

D-12 Accept Improvements Under Contract for Traffic Signal Modification Project at Church Street and Lockeford Street and at Elm Street and Ham Lane (PW)

Accepted improvements under contract for Traffic Signal Modification Project at Church Street and Lockeford Street and at Elm Street and Ham Lane.

D-13 Adopt Resolution Authorizing the City Manager to Enter into a Professional Services Agreement for an Electric System Arc Flash Study with RW Beck, Inc., of Hendersonville, TN (\$39,900) (EUD)

Adopted Resolution No. 2010-132 authorizing the City Manager to enter into a professional services agreement for an Electric System Arc Flash Study with RW Beck, Inc., of Hendersonville, TN, in the amount of \$39,900.

- D-14 Adopt Resolution Authorizing the City Manager to Execute an Amendment to the Northern California Power Agency (NCPA) Green Power Project (NGPP) 3rd Phase Agreement to Add City of Gridley (EUD)

Adopted Resolution No. 2010-133 authorizing the City Manager to execute an amendment to the Northern California Power Agency (NCPA) Green Power Project (NGPP) 3rd Phase Agreement to add City of Gridley.

- D-15 Adopt Resolution Authorizing the City Manager to Enter into a Letter of Agreement Between the City of Lodi and Ralcorp/Cottage Bakery for the Sale of Designated Electric Distribution Facilities (\$166,234) (EUD)

Adopted Resolution No. 2010-134 authorizing the City Manager to enter into a letter of agreement between the City of Lodi and Ralcorp/Cottage Bakery for the sale of designated electric distribution facilities in the amount of \$166,234.

- D-16 Adopt Resolution Authorizing the Lodi Police Department to Participate in a Traffic Initiative Grant Funded by the Office of Traffic Safety (PD)

Adopted Resolution No. 2010-135 authorizing the Lodi Police Department to participate in a Traffic Initiative Grant funded by the Office of Traffic Safety.

- D-17 Adopt Resolution Authorizing Submittal of Safe Route to School Grant Application to California Department of Transportation and Authorizing City Manager to Execute Grant Application (PW)

Adopted Resolution No. 2010-136 authorizing submittal of Safe Route to School Grant application to California Department of Transportation and authorizing the City Manager to execute the grant application.

- D-18 Adopt Resolution Amending Traffic Resolution No. 97-148 by Approving Installation of Stop Control on Pixley Parkway at Auto Center Drive (PW)

This item was pulled for further discussion by Bill Estanislau, a member of the public. Bill Estanislau spoke in support of the proposed action, stating the proposed stop sign near the new DMV site will provide additional safety in the area.

Council Member Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2010-140 amending Traffic Resolution No. 97-148 by approving the installation of stop control on Pixley Parkway at Auto Center 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

- D-19 Adopt Resolution Amending the Bylaws for the Lodi Arts Commission to Reduce the Membership of the Commission from Eleven to Nine Members (COM)

Adopted Resolution No. 2010-137 amending the bylaws for the Lodi Arts Commission to reduce the membership of the Commission from eleven to nine members.

D-20 Adopt Resolution Revising the Lodi Budget/Finance Committee Membership from Seven to Five Members (CM)

Adopted Resolution No. 2010-138 revising the Lodi Budget/Finance Committee membership from seven to five members.

D-21 Set Public Hearing for August 18, 2010, to Consider the Certification of the Final Mitigated Negative Declaration for the Harney Lane Interim Improvements Project (CD)

Set public hearing for August 18, 2010, to consider the certification of the Final Mitigated Negative Declaration for the Harney Lane Interim Improvements Project.

D-22 Cancel September 15, 2010, Regular City Council Meeting (CLK)

Canceled the September 15, 2010, Regular City Council Meeting.

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.

Kelly Geist invited the City Council and the public to the Twin Arbors fundraiser to be held on August 28, 2010, from 11:00 a.m. to 4:00 p.m. at the Twin Arbors Athletic Club.

Bob Takeuchi, Chair of the Budget and Finance Committee, spoke in regard to the relevancy and purpose of the Committee.

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

Council Member Johnson commended the Lodi Police Department for its efforts with respect to National Night Out. Mr. Johnson also asked that the City Council discuss park security concerns at a future Shirtsleeve Session.

Council Member Hansen commended the Lodi Police Department for its efforts with respect to National Night Out. Mr. Hansen also discussed the availability of a County weatherization program for low-income residents, Lodi Energy Center status, funding for San Joaquin Council of Governments staff to participate in major construction projects, and SB 722 renewable portfolio standards. Mr. Hansen also commended the girls' softball team on making it to the World Series.

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

None.

H. Public Hearings - None

I. Communications

I-1 Post for One Vacancy on the Lodi Animal Advisory Commission (CLK)

Mayor Pro Tempore Hitchcock made a motion, second by Council Member Johnson, to direct the City Clerk to post for the following vacancy:

Lodi Animal Advisory Commission

Dan Phillips, Term to expire December 31, 2012

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. Regular Calendar

J-1 Approve Plans and Specifications and Authorize Advertisement for Bids for White Slough Water Pollution Control Facility Bio-Solids Dewatering Facility (PW)

Interim City Manager Rad Bartlam briefly introduced the subject matter of the water pollution control facility.

Deputy Public Works Director Charlie Swimley provided a PowerPoint presentation regarding the water pollution control facility. Specific topics of discussion included facts, staff recommendation, history, land application facilities, application of liquid biosolids, uneven crop growth, biosolids before dewatering, dewatering press, biosolids cake, biosolids spreading, landfill disposal, proposed dewatering facility location, outside dewatering services, regulatory considerations, proposed dewatering facility cost, schedule, why dewatering, and the State Board order.

In response to Mayor Katzakian, David Anderson from West Yost and Associates stated the parts may wear out on a particular press but the overall life expectancy of the equipment is 20 years. Mr. Swimley stated the cost for each press is \$400,000 and does not include maintenance.

In response to Mayor Pro Tempore Hitchcock, Mr. Swimley stated that, although the current hydraulic application cannot be done for much longer, land application can be done as long as the City can show it is not impacting water.

In response to Mayor Pro Tempore Hitchcock, Mr. Swimley stated based on the land application report some wells with concentration show that there may be some impact.

In response to Mayor Pro Tempore Hitchcock, Mr. Swimley stated there are other options to land application and they could cost more or less depending upon the methodology. He stated additional work needs to be done to determine the impact levels and the best treatment control.

In response to Mayor Pro Tempore Hitchcock, Mr. Swimley stated that, even if there is a prohibition placed on land application, the proposed methods will still allow for trucking.

In response to Mayor Pro Tempore Hitchcock, Mr. Swimley stated if the money was not available staff would still be recommending dewatering through consultant services. Mr. Schwabauer stated regardless of the future changes in regulation dewatering will be necessary because liquid form will always be prohibited.

Discussion ensued between Council Member Johnson and Mr. Swimley regarding the amount of waste generated, the amount applied by land, and the amount to be hauled off by trucking.

In response to Council Member Johnson, Mr. Swimley stated the current lease does not permit direct application by the farm owners.

In response to Council Member Johnson, Mr. Swimley stated the common practice for most agencies is to pay for waste disposal.

In response to Council Member Hansen, Mr. Swimley stated it is a good idea for agencies to stay ahead of the game on waste disposal before the State comes in and imposes more regulations.

In response to Council Member Johnson, Mr. Ayers stated there is a time frame in which to obligate bonds, but it is not necessarily a use or lose it proposition.

Council Member Hansen made a motion, second by Council Member Johnson, to approve the plans and specifications and authorize advertisement for bids for White Slough Water Pollution Control Facility Bio-Solids Dewatering Facility.

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-2 Consider Approval of Insubstantial Amendments to the Assignment and Assumption Agreement, Attached as Exhibit G to the Development Agreement By and Between the City of Lodi and San Joaquin Valley Land Company ("SJVLC"), and Thereby Consent to the Assignment of the Costco Site from SJVLC to Costco (CA)

City Attorney Schwabauer provided a brief presentation regarding the proposed Assignment and Assumption Agreement. Specific topics of discussion included an overview of the Reynolds Ranch Development Agreement, the proposed Costco site, previous Assignment and Assumption Agreement for Blue Shield, and the benefits and burdens to be assigned between the original developer and the land owner.

In response to Mayor Pro Tempore Hitchcock, Mr. Schwabauer stated some of the fee programs are established and the costs are known while others are not. He stated it would be difficult to collect money for a specified purpose when the amount is still unknown and some items are paid with building permits. Mr. Schwabauer individually reviewed the fee programs listed on page two of the blue sheet.

In response to Mayor Pro Tempore Hitchcock, Mr. Schwabauer stated the purchase of the Lyons building satisfied one of the conditions pursuant to the former City Manager's direction.

In response to Mayor Pro Tempore Hitchcock, Mr. Schwabauer stated there is some risk that the company may go under but there is property with the Costco site that can be leveraged against whoever the developer of the project is at the time. Mr. Schwabauer stated the proposed agreement would let Costco off the hook while keeping Reynolds Ranch on the hook.

In response to Mayor Katzakian, Mr. Bartlam stated the permit and impact fees for the project are well over \$1 million.

Dale Gillespie spoke in favor of the proposed agreement, stating Costco is paying over \$1.6 million consisting of a variety of fees and discussed the fees for which the costs are yet to be determined.

Mayor Pro Tempore Hitchcock requested a copy of the original Reynolds Ranch Development Agreement.

Council Member Hansen made a motion, second by Council Member Johnson, to approve insubstantial amendments to the Assignment and Assumption Agreement, attached as Exhibit G to the Development Agreement by and between the City of Lodi and San Joaquin Valley Land Company (SJVLC), and thereby consent to the assignment of the Costco site from SJVLC to Costco.

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

K. Ordinances - None

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:25 p.m.

ATTEST:

Randi Johl
City Clerk