

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, FEBRUARY 16, 2011**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of February 16, 2011, was called to order by Mayor Johnson at 6:45 p.m.

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

Absent: None

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

C-2 Announcement of Closed Session

- a) Conference with Dean Gualco, Human Resources Manager (Labor Negotiator), Regarding Unrepresented Executive Management, Lodi City Mid-Management Association, Unrepresented Confidential Employees, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, International Brotherhood of Electrical Workers, Fire Mid-Managers, and Lodi Professional Firefighters Pursuant to Government Code §54957.6

C-3 Adjourn to Closed Session

At 6:45 p.m., Mayor Johnson 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 7:00 p.m., Mayor Johnson 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

The Regular City Council meeting of February 16, 2011, was called to order by Mayor Johnson at 7:00 p.m.

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

Absent: None

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

B. Presentations

B-1 Stop Human Trafficking Proclamation

Mayor Johnson presented a proclamation to Joelle Gomez, Executive Director with the Women's Center of San Joaquin County, and Beverly Lacy, President of Lodi Soroptimist International, in support of an event to be held on Saturday, March 5, 2011, to "Stop Human Trafficking."

B-2 Quarterly Update by the Greater Lodi Area Youth Commission (COM)

Alex Maldonado, member of the Greater Lodi Area Youth Commission, gave an update on the Commission's activities and accomplishments. Further, Mayor Johnson presented the following Teen of the Month awards: Lauren Mulvanny, November 2010; Celeste Somera, December 2010; and Lea Jones, January 2011.

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

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

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$6,227,271.15 (FIN)

Claims were approved in the amount of \$6,227,271.15.

C-2 Approve Minutes (CLK)

The minutes of February 1, 2011 (Shirtsleeve Session), February 2, 2011 (Regular Meeting), and February 8, 2011 (Shirtsleeve Session) were approved as written.

C-3 Accept the 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.

C-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.

C-5 Approve Plans and Specifications and Authorize Advertisement for Bids for the Phased Removal and Replacement of 39 Raywood Ash Trees on Lower Sacramento Road Between Elm Street and Tejon Street (PW)

Approved the plans and specifications and authorized advertisement for bids for the phased removal and replacement of 39 Raywood Ash trees on Lower Sacramento Road between Elm Street and Tejon Street.

C-6 Approve Plans and Specifications and Authorize Advertisement for Bids for G-Basin (DeBenedetti Park) Stormwater Pump Station (PW)

Approved the plans and specifications and authorized advertisement for bids for G-Basin (DeBenedetti Park) Stormwater Pump Station.

C-7 Approve Plans and Specifications and Authorize Advertisement for Bids for Municipal

Service Center Parking Lot Improvements Project (PW)

Approved the plans and specifications and authorized advertisement for bids for Municipal Service Center Parking Lot Improvements Project.

In response to Council Member Nakanishi, Public Works Director Wally Sandelin stated the parking lot was last improved approximately 20 years ago.

C-8 Approve Specifications and Authorize Advertisement for Bids for Standby Generator Maintenance and Repair Contract (PW)

Approved the specifications and authorized advertisement for bids for Standby Generator Maintenance and Repair Contract.

C-9 Approve Specifications and Authorize Advertisement for Bids for Thermoplastic Equipment Trailer with Pre-Melting Kettles (PW)

Approved the specifications and authorized advertisement for bids for thermoplastic equipment trailer with pre-melting kettles.

C-10 Adopt Resolution Rejecting All Bids for the Grounding and Fusing of City Streetlight System in Grid A (EUD)

Adopted Resolution No. 2011-15 rejecting all bids for the grounding and fusing of City streetlight system in Grid A.

C-11 Adopt Resolution Approving the Purchase of Padmount Transformers from HEES Enterprises, Inc., of Astoria, OR, and Howard Industries, Inc., of Laurel, MS (\$214,197.27) (EUD)

Adopted Resolution No. 2011-16 approving the purchase of padmount transformers from HEES Enterprises, Inc., of Astoria, OR, and Howard Industries, Inc., of Laurel, MS, in the amount of \$214,197.27.

C-12 Adopt Resolution Approving the Purchase of Polemount Transformers from HEES Enterprises, Inc., of Astoria, OR (\$64,850.90) (EUD)

Adopted Resolution No. 2011-17 approving the purchase of polemount transformers from HEES Enterprises, Inc., of Astoria, OR, in the amount of \$64,850.90.

C-13 Adopt Resolution Approving Contract Change Order for Annual Curb, Gutter, and Sidewalk Replacement Contract with Jeff Case Construction Company, of Galt, for 2010/11 and Appropriating Additional Funds (\$50,000) (PW)

Adopted Resolution No. 2011-18 approving contract change order for Annual Curb, Gutter, and Sidewalk Replacement Contract with Jeff Case Construction Company, of Galt, for 2010/11 and appropriating additional funds in the amount of \$50,000.

C-14 Authorize the City Manager to Execute Renewal and Amendment to Service Agreement Contract with the San Joaquin County Sheriff's Office for Community Corps for the Period April 1, 2011 Through June 30, 2012 (PR)

Authorized the City Manager to execute renewal and amendment to service agreement contract with the San Joaquin County Sheriff's Office for Community Corps for the period April 1, 2011

through June 30, 2012.

In response to Council Member Nakanishi, Parks Superintendent Steve Dutra stated the City has been utilizing the service for approximately 15 years.

C-15 Adopt Resolution Authorizing the City Manager to Transfer Funds to the Sacramento Municipal Utility District for the Youth Energy Summit Program (EUD)

Adopted Resolution No. 2011-19 authorizing the City Manager to transfer funds to the Sacramento Municipal Utility District for the Youth Energy Summit Program.

In response to Council Member Nakanishi, Electric Utility Director Elizabeth Kirkley stated the State mandates that 2.85% of utility revenues be spent on various public benefit programs.

C-16 Set Public Hearing for March 16, 2011, to Consider Resolution Approving Contractual Consumer Price Index Based Annual Adjustment to Rates for Solid Waste Collection (PW)

Set public hearing for March 16, 2011, to consider resolution approving contractual Consumer Price Index based annual adjustment to rates for solid waste collection.

D. 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.

City Manager Rad Bartlam provided a brief overview of the recent email traffic received in regard to the pool at Hutchins Street Square. Mr. Bartlam stated contrary to reports, the pool is not being closed permanently and programs are not being cut. He stated the pool will be closed at some time in the future for needed improvements only. Mr. Bartlam stated he is also meeting with the Hutchins Street Square Foundation to discuss maintenance concerns.

The following individuals spoke in regard to the pool at Hutchins Street Square based on their concerns regarding maintenance and upkeep of the pool and potential personnel changes at the pool: Dee Philips, Norman Fletcher, Hank Wright, Pauline Meyer, Harold Bell, Stacy Westerlin, Tom Noir, Elsa Hilstrum, Kelly White-Keagy, and Winifred Mitchell.

Vincent Sayles spoke in regard to the benefits associated with exercising using the trampoline.

Hy Cohen commended the City Clerk's office and specifically Assistant City Clerk Jennifer Robison on her efforts in providing him relevant information as a new resident.

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

Council Member Hansen commended those associated with the successful performance of "In the Mood" at Hutchins Street Square.

Mayor Pro Tempore Mounce provided a brief update regarding the League of California Cities and its efforts to oppose the Governor's proposed elimination of redevelopment.

Council Member Nakanishi urged the citizens to submit their names for consideration in regard to the Grand Jury nominations.

Mayor Johnson urged the Council to attend the City Manager's Budget Strategy Workshop as observers and suggested the City monitor the American Medical Response contract extension with the County, which proposes decreased services for Lodi.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Approval of an Amendment of the 2010/11 Action Plan and Reallocation of Available Community Development Block Grant Program Funds (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 Johnson called for the public hearing to consider approval of an amendment of the 2010/11 Action Plan and reallocation of available Community Development Block Grant (CDBG) Program funds.

City Manager Rad Bartlam briefly introduced the subject matter of the proposed CDBG reallocation.

Neighborhood Services Manager Joseph Wood provided a PowerPoint presentation regarding the 2010 Action Plan reallocation of CDBG funding. Specific topics of discussion included the proposed amendment, reallocation for two existing projects and one new project, water meter installation project, graffiti abatement project, alley drainage improvements, and spay and neuter programs.

In response to Mayor Pro Tempore Mounce, Mr. Wood stated CDBG stands for Community Development Block Grant, which is federal funding received for specific projects in target areas.

In response to Council Member Nakanishi, Mr. Wood stated the City received \$850,000 last year, there was a public hearing and comment period before the original allocation, and any substantial reallocation requires additional Council approval.

In response to Council Member Hansen, Mr. Bartlam stated the water meter program was originally expected to cost more than \$300 per resident, the intent was to subsidize the difference to bring the higher amount down to \$300, and now anyone in the City, not just those in the target area, can pay the \$300 in one lump sum or via a three-year repayment plan.

In response to Mayor Johnson, Deputy City Manager Jordan Ayers stated the \$300 amount will be billed separately through a stand alone invoice.

Mayor Pro Tempore Mounce made a motion, second by Council Member Hansen, to adopt Resolution No. 2011-20 approving an amendment of the 2010/11 Action Plan and reallocation of available Community Development Block Grant Program funds.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H. Communications

H-1 Post for Expiring Terms on the Lodi Improvement Committee (CLK)

Mayor Pro Tempore Mounce made a motion, second by Mayor Johnson, to direct the City Clerk to post for the following expiring terms:

Lodi Improvement Committee

Reyes Jaramillo, term to expire March 1, 2011

Timothy Litton, term to expire March 1, 2011

Rosie Ortiz, term to expire March 1, 2011

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H-2 Appointments to the Lodi Improvement Committee and Site Plan and Architectural Review Committee (CLK)

Mayor Pro Tempore Mounce made a motion, second by Mayor Johnson, to make the following appointments:

Lodi Improvement Committee

Lisa Nixon, term to expire March 1, 2012

Site Plan and Architectural Review Committee

Crystal Kirst, term to expire January 1, 2015

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I. Regular Calendar

I-1 Introduce Ordinance Adding Chapter 9.30 to the Lodi Municipal Code Prohibiting the Establishment and Operation of Medical Marijuana Dispensaries in the City of Lodi (CA)

Deputy City Attorney Magdich provided a brief overview of the proposed ordinance and the status of the moratorium as outlined in the relevant staff report.

In response to Robin Rushing, Ms. Magdich stated under the proposed ordinance four friends could not grow marijuana together as suggested, although individuals and caregivers may.

In response to Council Member Hansen, Ms. Magdich stated the law remains unsettled and provided a brief review of the Oakland case and related Attorney General opinion.

Mayor Johnson made a motion, second by Council Member Hansen, to introduce Ordinance No. 1843 adding Chapter 9.30 to the Lodi Municipal Code prohibiting the establishment and operation of medical marijuana dispensaries in the City of Lodi.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I-2 Approve Contract and Art Pieces as Proposed by the Art Advisory Board for the Seward Johnson Sculpture Exhibit for Display in Downtown Lodi from April 2011 through Mid-July 2011 and Appropriating Funds (COM)

Community Center Director Jim Rodems and Arts Coordinator Deanie Bridewell provided a brief overview of the proposed sculpture exhibit for display in downtown Lodi as set forth in the relevant staff report.

In response to Council Member Hansen, Mr. Rodems confirmed that the proposed funds to be utilized for the exhibit are from development impact fees and the funds can only be used for public art.

In response to Council Member Nakanishi, Mr. Bartlam stated no money has been received recently for art in public places because of the decline in development. Mr. Bartlam stated the percentage contribution on development activity for public art started approximately ten years ago and during the height of activity the public art fund received approximately \$40,000 to \$50,000 per year.

In response to Mayor Pro Tempore Mounce, Mr. Bartlam stated he will research and provide the information requested regarding the Reynolds Ranch contribution to art in public places.

In response to Ralph Burgess, Mayor Johnson provided a quick overview of what Shirtsleeve Sessions are, when they occur, and the type of information that is discussed.

Council Member Hansen made a motion, second by Council Member Katzakian, to approve contract and art pieces as proposed by the Art Advisory Board for the Seward Johnson sculpture exhibit for display in downtown Lodi from April 2011 through mid-July 2011 and appropriating funds.

VOTE:

The above motion carried by the following vote:

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

Noes: Mayor Pro Tempore Mounce

Absent: None

I-3 Adopt Resolution Approving Amendments to 2005 Americans with Disabilities Act Transition Plan Related to Grape Bowl (PW)

Public Works Director Wally Sandelin provided a brief PowerPoint presentation regarding the Grape Bowl Americans with Disabilities (ADA) Transition Plan utilizing the proposed map of the facility illustrating the improvements.

A brief discussion ensued amongst Council Member Hansen, Mr. Sandelin, and City Manager Bartlam regarding the construction timing of the ADA restrooms, overall time for the proposed ADA improvements of 3 to 6 months after construction starts, current availability of funds, possible completion by Spring of next year, beginning the construction process last month, and the order of the improvements for the restrooms, concessions, and ramps.

In response to Council Member Nakanishi, Mr. Sandelin stated that, if the project was expedited to the extent suggested, the overall project cost may increase by 50% or more.

In response to Council Member Katakian, Mr. Bartlam confirmed that the high school graduation and football season may be a concern with respect to the proposed construction schedule for the improvements.

In response to Mayor Johnson, Mr. Bartlam stated the proposed 18-month time line includes design, construction, and season considerations.

In response to Council Member Hansen, Mr. Rodems stated the facility is used by the City, School District, youth football and soccer groups, a semi-pro football team, and there are some drop-in uses.

Jack Fiore spoke in favor of the proposed ADA improvements and his desire to move the project forward more quickly by making it more of a priority.

Council Member Hansen made a motion, second by Council Member Katakian, to adopt Resolution No. 2011-21 approving amendments to 2005 Americans with Disabilities Act Transition Plan related to Grape Bowl.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I-4 Adopt Resolutions Approving Fiscal Year 2010/11 Mid-Year Budget Adjustments (CM)

Deputy City Manager Jordan Ayers provided a PowerPoint presentation regarding the 2010/11 mid-year budget review. Specific topics of discussion included the current economic climate, General Fund overview including bright spots and detractors, departmental variances, reallocations, Electric Utility and Parks and Recreation/Community Center proposed reorganizations, and summary of proposed position changes.

In response to Council Member Hansen, Mr. Ayers stated the City received \$45,000 in reimbursement for SB 90 claims and next year the City could receive nothing in light of the Governor's proposal to suspend these types of mandates.

In response to Council Member Hansen, Mr. Ayers and Mr. Bartlam stated the City Council previously chose to accept overtime with respect to Battalion Chiefs by extending their existing contract.

In response to Council Member Nakanishi, Mr. Bartlam stated if the City Council delays the proposed recommendations associated with the Community Center/Parks and Recreation merger, the cost difference for the current year is \$123,000 and there is some consideration to be given with the precedent that is being set for future similar decisions.

In response to Council Member Nakanishi, Mr. Bartlam stated the changes proposed in the Electric Utility Department affect primarily management employees, reliability and troubleshooting services will remain in tact, and the proposed reorganization is more for efficiency purposes with programs and services remaining the same.

In response to Mayor Pro Tempore Mounce, Mr. Bartlam stated the aquatics position could be changed back to full-time again in the future if there was a need.

Council Member Hansen requested information regarding the participant numbers for the aquatics program.

In response to Council Member Hansen, Mr. Bartlam stated tripling the entrance fee would still not balance the revenues and expenditures for the aquatics program.

The following individuals spoke in support of maintaining the aquatics coordinator position as a full-time position and not reducing the hours to part-time as proposed in the Community Center/Parks and Recreation merger: Kimberly McClelland, Robin Rushing, John Ferguson, Kelly White-Keagly, Stacy Westerlin, and an unidentified speaker.

In response to Council Member Hansen, Mr. Rodems stated there is no proposed reduction in pool hours for class structure or operations.

In response to Council Member Hansen, Mr. Bartlam confirmed the savings for the remainder of the year is \$20,000 and a full-year savings is \$106,000.

Discussion ensued amongst the City Council and City Manager regarding various options associated with balancing the mid-year budget based on the recommendations and the reduction in hours for the aquatics coordinator.

Mayor Johnson made a motion, second by Council Member Hansen, to adopt the following resolutions:

Resolution No. 2011-22 amending the City of Lodi Financial Plan and Budget for the Fiscal Year beginning July 1, 2010 and ending June 30, 2011;

Resolution No. 2011-23 approving the merger of the Parks and Recreation and Community Center Departments; and

Resolution No. 2011-24 reorganizing the Electric Utility Department.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Nakanishi, and Mayor Pro Tempore Mounce

Absent: None

I-5 Approve Implementation of a Standard City-Wide 9/80 Work Schedule for City Offices (CM)

City Manager Rad Bartlam provided a brief presentation regarding the proposed implementation of a 9/80 schedule City-wide as outlined in the relevant staff report.

Mayor Pro Tempore Mounce made a motion, second by Council Member Hansen, to approve

implementation of a standard City-wide 9/80 work schedule for City offices.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 10:47 p.m., in memory of Jean Peterson, wife of former Lodi City Manager Tom Peterson, who passed away on February 2, 2011.

ATTEST:

Randi Johl  
City Clerk