

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 2, 2011**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of March 2, 2011, was called to order by Mayor Johnson at 5:30 p.m.

Present: Council Member Katzakian, Council Member Nakanishi, and Mayor Johnson
Absent: Council Member Hansen, and Mayor Pro Tempore Mounce
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 5:30 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:55 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 March 2, 2011, was called to order by Mayor Johnson at 7:00 p.m.

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

B. Presentations - None

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

Mayor Johnson made a motion, second by Council Member Katzakian, 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 Katzakian, Council Member Nakanishi, and Mayor Johnson
Noes: None
Absent: Council Member Hansen, and Mayor Pro Tempore Mounce

C-1 Receive Register of Claims in the Amount of \$2,531,625.87 (FIN)

Claims were approved in the amount of \$2,531,625.87.

C-2 Approve Minutes (CLK)

The minutes of February 15, 2011 (Shirtsleeve Session) and February 22, 2011 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for 2011 Streets Crack Sealing Contract (PW)

Approved the plans and specifications and authorized advertisement for bids for 2011 Streets Crack Sealing Contract.

C-4 Approve Specifications and Authorize Advertisement for Bids for Maintenance of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2011/12 (PW)

Approved the specifications and authorized advertisement for bids for maintenance of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2011/12.

C-5 Approve Specifications and Authorize Advertisement for Bids for Tree Trimming for Fiscal Year 2011/12 (PW)

Approved the specifications and authorized advertisement for bids for Tree Trimming for Fiscal Year 2011/12.

C-6 Approve Specifications and Authorize Advertisement for Bids for Curb, Gutter, and Sidewalk Replacement Annual Contract for Fiscal Year 2011/12 (PW)

Approved the specifications and authorized advertisement for bids for Curb, Gutter, and Sidewalk Replacement Annual Contract for Fiscal Year 2011/12.

C-7 Approve Specifications and Authorize Advertisement for Bids for 100,000 Feet of Insulated Underground Cable (EUD)

Approved the specifications and authorized advertisement for bids for 100,000 feet of insulated underground cable.

C-8 Adopt Resolution Authorizing the City Manager to Execute Contract for Municipal Service Center Shop Decommissioning Project with Diede Construction, of Woodbridge (\$44,675), and Appropriating Funds (\$5,000) (PW)

Adopted Resolution No. 2011-25 authorizing the City Manager to execute contract for Municipal Service Center Shop Decommissioning Project with Diede Construction, of Woodbridge, in the amount of \$44,675, and appropriating funds in the amount of \$5,000.

C-9 Authorize the City Manager to Execute Revised Lease of 111 North Stockton Street, Suite B (Formerly Jazzercise), to P & K Fitness of Lodi (CA)

Authorized the City Manager to execute revised lease of 111 North Stockton Street, Suite B (formerly Jazzercise), to P & K Fitness of Lodi.

C-10 Authorize City Manager to Execute Partial Assignment and Assumption of the Reynolds Ranch Development Agreement from San Joaquin Valley Land Company, LLC to Skinner Ranch Holdings, LP (CA)

Authorized the City Manager to execute Partial Assignment and Assumption of the Reynolds Ranch Development Agreement from San Joaquin Valley Land Company, LLC to Skinner Ranch Holdings, LP.

C-11 Adopt Resolution Authorizing Destruction of Certain Citywide Records in Accordance with the Government Code and the City's Records Management Policy (CLK)

This item was pulled for further discussion by Council Member Nakanishi.

In response to Council Member Nakanishi, City Clerk Johl stated that a list of the records to be destroyed is attached to the staff report, all records have been maintained and destroyed pursuant to the City's Records Retention Policy, which adopts the Secretary of State's Guidelines, and the City Attorney has reviewed the records to determine appropriate retention periods and applicable statutes.

Council Member Nakanishi made a motion, second by Mayor Johnson, to adopt Resolution No. 2011-26 authorizing the destruction of certain Citywide records in accordance with the Government Code and the City's Records Management Policy.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Hansen, and Mayor Pro Tempore Mounce

C-12 Set Public Hearing for March 16, 2011, to Approve the Draft 2011/12 Action Plan for the Community Development Block Grant Program (CD)

Set public hearing for March 16, 2011, to approve the Draft 2011/12 Action Plan for the Community Development Block Grant Program.

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.

Robin Rushing spoke in regard to his frustration with the City Council's recent decision making and apologized for his harsh tone during the last meeting.

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

Mayor Johnson stated he was sorry to see that John Borelli's business downtown was closing. He also stated he was looking forward to Lodi's 1st Annual Taco Truck Cook-off, which will be coordinated by the Art In Public Places group.

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

None.

G. Public Hearings - None

H. Communications

H-1 Post for Expiring Terms and Vacancies on the Greater Lodi Area Youth Commission, Lodi Arts Commission, and Site Plan and Architectural Review Committee (CLK)

Council Member Nakanishi made a motion, second by Mayor Johnson, to direct the City Clerk to post for the following expiring terms and vacancies:

Greater Lodi Area Youth Commission

ADULT ADVISORS:

Nicole Grauman, term to expire May 31, 2011

Joseph Price, term to expire May 31, 2011

STUDENT MEMBERS:

Deyanira Nava, term to expire May 31, 2011

Mandy Majidian, term to expire May 31, 2011

Derek Schatz, term to expire May 31, 2011

Jason Larkin, term to expire May 31, 2011

Ranjot Basram, term to expire May 31, 2012

Lodi Arts Commission

One Vacancy, term to expire July 1, 2012

One Vacancy, term to expire July 1, 2013

Site Plan and Architectural Review Committee

Reyes Jaramillo, term to expire January 1, 2012

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Hansen, and Mayor Pro Tempore Mounce

I. Regular Calendar

I-1 Adopt Resolution Approving the Cellular Phone Policy (CM)

Management Analyst Jeff Hood provided a brief presentation regarding the proposed cell phone policy as outlined in the staff report. Specific topics of discussion included the types of phones and plans to be used, departmental approval process for issuance and use of phones, and options associated with stipends and receiving reimbursements.

In response to Mayor Johnson, City Manager Bartlam stated the approval of the cell phone policy will begin the process associated with reviewing the need for the number and type of phones on a

departmental basis and there will likely be a reduction in the number of phones in the near future.

Mayor Johnson made a motion, second by Council Member Katzakian, to adopt Resolution No. 2011-27 approving the Cellular Phone Policy.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Hansen, and Mayor Pro Tempore Mounce

I-2 Notice of Cost to Grant Two Years Additional Service Credit Under Government Code Section 20903 (CM)

Human Resources Manager Dean Gualco provided a brief presentation regarding the two years additional service credit under the Government Code as outlined in the relevant staff report.

In response to Council Member Nakanishi, Mr. Bartlam stated to date with previous incentive offers the City has saved approximately \$2.7 million and the actual savings from the proposed offer will not be known until the number of employees accepting the offer is known.

In response to Mayor Johnson, Mr. Gualco stated staff has a good idea of who will be taking the offer and the notice requires a 90-day offer period per law even though the City may know very soon who intends to accept.

In response to Mayor Johnson, Mr. Gualco stated the offer has to be made to an entire classification even though some employees will not accept.

Del Kerlin spoke in regard to his concerns about the service credit not being offered to those in enterprise funds. Mr. Bartlam indicated the offer is made to an employee classification with consideration to the vacancy time period and some employees in enterprise funds are currently listed on the notice.

I-3 Authorize the City Manager to Execute an Employment Agreement with Ray B. Samuels for Interim Police Chief Services (CM)

City Manager Bartlam provided a brief overview of the proposed contract for interim police chief services as outlined in the relevant staff report.

In response to Council Member Nakanishi, Mr. Bartlam stated the Interim Police Chief will be paid on an hourly basis for a temporary period of time pending the permanent appointment of a Police Chief and will receive no benefits.

Council Member Nakanishi requested general information regarding the anti-gang efforts of the Police Department.

Council Member Nakanishi made a motion, second by Mayor Johnson, to authorize the City Manager to execute an Employment Agreement with Ray B. Samuels for Interim Police Chief services.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Hansen, and Mayor Pro Tempore Mounce

J. Ordinances

J-1 Adopt Ordinance No. 1843 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 9 - Public Peace, Morals, and Welfare - by Adding Chapter 9.30, "Medical Marijuana Dispensaries" (CLK)

Robin Rushing spoke in opposition to the proposed ordinance for adoption based upon his concerns regarding the need for medical marijuana and the financial benefit to the community.

Mayor Johnson made a motion, second by Council Member Katzakian, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1843 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 9 - Public Peace, Morals, and Welfare - by Adding Chapter 9.30, 'Medical Marijuana Dispensaries,'" which was introduced at a regular meeting of the Lodi City Council held February 16, 2011.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Hansen, and Mayor Pro Tempore Mounce

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:55 p.m.

ATTEST:

Randi Johl
City Clerk