

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JULY 20, 2011**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of July 20, 2011, was called to order by Mayor Johnson at 5:30 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 Stephen Schwabauer, City Attorney (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
- b) Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Terry Martin Against the City of Lodi Based on Retirement Benefits - Conversion of Sick Leave
- c) Pursuant to Government Code §54956.9(c); One Potential Case; Conference with Legal Counsel - Initiation of Litigation: City of Lodi v. Valley Towing Company Regarding Breach of Improvement Deferral Agreement for 1313 South Stockton Street, Lodi CA

C-3 Adjourn to Closed Session

At 5:30 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:45 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 actions.

Item C-2 (a) was discussion only.

In regard to Item C-2 (b), the City Council provided direction.

In regard to Item C-2 (c), the City Council authorized the filing of a lawsuit against Valley Towing Company.

A. Call to Order / Roll Call

The Regular City Council meeting of July 20, 2011, was called to order by Mayor Johnson at 7:00 p.m.

B. Presentations

B-1 National Night Out Proclamation (PD)

Mayor Johnson presented a proclamation to Interim Police Chief Ray Samuels proclaiming Saturday, August 2, 2011, as "National Night Out" in the City of Lodi.

B-2 Presentation of the United States Conference of Mayors City Livability Award (PRCS)

Jennelle Bechthold with Waste Management presented the United States Conference of Mayors City Livability Award to Mayor Johnson.

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, **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 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 \$7,136,070.98 (FIN)

Claims were approved in the amount of \$7,136,070.98.

C-2 Approve Minutes (CLK)

The minutes of July 5, 2011 (Shirtsleeve Session), July 6, 2011 (Regular Meeting), and July 12, 2011 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications, Authorize Advertisement for Bids, and Adopt Resolution Approving Proposition 1B Funding for the Elm Street Overlay Project, Hutchins Street to Church Street (PW)

Approved the plans and specifications, authorized advertisement for bids, and adopted Resolution No. 2011-111 approving Proposition 1B funding for the Elm Street Overlay Project, Hutchins Street to Church Street.

C-4 Adopt Resolution Authorizing Purchase of Asphalt Materials for Fiscal Year 2011/12 from George Reed, Inc., of Modesto (\$31,918.13) (PW)

Adopted Resolution No. 2011-112 authorizing purchase of asphalt materials for fiscal year 2011/12 from George Reed, Inc., of Modesto, in the amount of \$31,918.13.

C-5 Adopt Resolution Authorizing Purchase of 100,000 Feet of Insulated Underground Cable to The Okonite Company, of San Ramon (\$237,183.75) (EUD)

Adopted Resolution No. 2011-113 authorizing purchase of 100,000 feet of insulated underground cable to The Okonite Company, of San Ramon, in the amount of \$237,183.75.

C-6 Adopt Resolution Authorizing Purchase Order for Repair, Installation, and Performance

Certification Testing of the Fire Suppression Pump on Unit 2052 Quint Truck to Hi-Tech EVS, Inc., of Oakdale (Not to Exceed \$25,000) (FD)

Adopted Resolution No. 2011-114 authorizing purchase order for repair, installation, and performance certification testing of the fire suppression pump on Unit 2052 Quint truck to Hi-Tech EVS, Inc., of Oakdale, in an amount not to exceed \$25,000.

C-7 Adopt Resolution Authorizing the City Manager to Execute Contract for 2011 Alley Reconstruction Project with Knife River Construction, of Stockton (\$236,510.50) (PW)

Adopted Resolution No. 2011-115 authorizing the City Manager to execute contract for 2011 Alley Reconstruction Project with Knife River Construction, of Stockton, in the amount of \$236,510.50.

C-8 Adopt Resolution Authorizing the City Manager to Execute Contract for 2011 Disabled Access Improvements, 100 Block West Elm Street and 111 North Stockton Street, with A. M. Stephens Construction Company, Inc., of Lodi (\$59,572.30) (PW)

Adopted Resolution No. 2011-116 authorizing the City Manager to execute contract for 2011 Disabled Access Improvements, 100 Block West Elm Street and 111 North Stockton Street, with A. M. Stephens Construction Company, Inc., of Lodi, in the amount of \$59,572.30.

C-9 Adopt Resolution Authorizing the City Manager to Execute Task Order No. 31 for Permit Assistance Services and Various Studies Required by City's Wastewater Discharge Permit with West Yost Associates, of Davis (\$251,000) (PW)

Adopted Resolution No. 2011-117 authorizing the City Manager to execute Task Order No. 31 for permit assistance services and various studies required by City's wastewater discharge permit with West Yost Associates, of Davis, in the amount of \$251,000.

C-10 Authorize the City Manager to Execute Amendment Extending Term of the Northeastern San Joaquin County Groundwater Banking Authority Joint Powers Agreement (PW)

Authorized the City Manager to execute amendment extending term of the Northeastern San Joaquin County Groundwater Banking Authority Joint Powers Agreement.

C-11 Accept Improvements Under Contract for Municipal Service Center Shop Decommissioning Project (PW)

Accepted improvements under contract for Municipal Service Center Shop Decommissioning Project.

C-12 Adopt Resolution Authorizing and Directing the Transportation Manager to Execute Certifications and Assurances Documents for the Public Transportation Modernization, Improvement, and Service Enhancement Account Bond Program (PW)

Adopted Resolution No. 2011-118 authorizing and directing the Transportation Manager to execute certifications and assurances documents for the Public Transportation Modernization, Improvement, and Service Enhancement Account Bond Program.

C-13 Approve the Proposed Expenditure Program for Lodi's Share of the 2011 Edward Byrne Memorial Justice Assistance Grant (PD)

Adopted Resolution No. 2011-119 approving the proposed expenditure program for Lodi's share

of the 2011 Edward Byrne Memorial Justice Assistance Grant.

C-14 Adopt Resolution Authorizing the Issuance of a CAL-Card Procurement Card to Police Chief Mark Helms (CM)

Adopted Resolution No. 2011-120 authorizing the issuance of a CAL-Card Procurement Card to Police Chief Mark Helms.

C-15 Receive Report Regarding League of California Cities Communications Pertaining to Senate Bill 89 and Senate Bill 931 (CLK)

John Slaughterback spoke in regard to his concerns about redevelopment abuse.

In response to Mayor Pro Tempore Mounce, Mr. Bartlam stated \$227,000 is the overall loss of Vehicle License Fees and approximately \$100,000 will be diverted back to the City through the grant program.

Mayor Pro Tempore Mounce made a motion, second by Mayor Johnson, to receive report regarding League of California Cities communications pertaining to Senate Bill 89 and Senate Bill 931.

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

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.

None.

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

Council Member Hansen provided a status report on the efforts of the Tri-County Task Force regarding Highway 12 and the upcoming meeting to be held at the Lodi Library on July 26, 2011.

Mayor Pro Tempore Mounce asked the City Manager to look into the status of the downtown signage program and the potential involvement of the Art in Public Places Committee with the same.

Council Member Nakanishi provided a brief overview of the sales tax quarterly update.

Mayor Johnson provided a status report regarding the visualization change as it relates to redistricting, stated a Kofu delegation will be visiting the City on August 13-15, 2011, and requested an update regarding the City's relationship with the North San Joaquin Water District.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Report for Sidewalk Repairs and to Confirm the Report as Submitted by the Public Works Department (PW)

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 Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department.

Public Works Director Wally Sandelin provided a brief overview, as set forth in the Council Communication, of the improvements made to one property for which the property owner has not reimbursed the City. Mr. Sandelin discussed the unsuccessful efforts to collect the reimbursement and the resulting request for a lien against the subject property.

Mayor Johnson opened the public hearing and receiving no public comment closed the hearing.

In response to Council Member Nakanishi, Mr. Sandelin stated over the last two years only one or two property owners each year have not paid for the improvements. Mr. Sandelin stated improvements are made at approximately ten locations annually.

In response to Mayor Pro Tempore Mounce, Mr. Sandelin confirmed that a lien will be placed against the property and the City will be reimbursed when the property is sold from the sale proceeds.

Mayor Pro Tempore Mounce made a motion, second by Mayor Johnson, to confirm the annual report for sidewalk repairs and authorize the imposition of a lien as recommended on the subject property.

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

G-2 Continue Public Hearing to October 5, 2011, to Consider Resolution Approving Harney Lane Specific Plan Report and Certifying Harney Lane Specific Plan Negative Declaration as Adequate Environmental Documentation for the Harney Lane Specific Plan (PW)

Mayor Johnson made a motion, second by Council Member Katzakian, to continue public hearing to October 5, 2011, to consider resolution approving Harney Lane Specific Plan Report and certifying Harney Lane Specific Plan Negative Declaration as adequate environmental documentation for the Harney Lane Specific Plan.

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 Vacancies on the Lodi Animal Advisory Commission and Site Plan and Architectural Review Committee (CLK)

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

Lodi Animal Advisory Commission

Daniel Crownover, term to expire December 31, 2013

Site Plan and Architectural Review Committee

Keith Sellese, term to expire January 1, 2012

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 - None

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:35 p.m.

ATTEST:

Randi Johl
City Clerk