

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

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of November 2, 2011, was called to order by Mayor Johnson at 6:05 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, and Dean Gualco, Human Resources Manager (Labor Negotiators), Regarding Unrepresented Executive Management, Lodi City Mid-Management Association, Unrepresented Confidential Employees, AFSCME General Services and Maintenance & Operators, International Brotherhood of Electrical Workers, Fire Mid-Managers, and Lodi Professional Firefighters Pursuant to Government Code §54957.6
- b) Conference with Stephen Schwabauer, City Attorney (Labor Negotiator), Regarding Police Mid-Managers, Lodi Police Officers Association, and Lodi Police Dispatchers Association Pursuant to Government Code §54957.6

C-3 Adjourn to Closed Session

At 6:05 p.m., Mayor Johnson 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 7:05 p.m., Mayor Johnson reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

Items C-2 (a) and C-2 (b) were discussion only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of November 2, 2011, was called to order by Mayor Johnson at 7:05 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 National Homeless Youth Awareness and Runaway Prevention Month Proclamation

Mayor Johnson presented a proclamation to Kathleen Serna-Halliday, representing the Family & Youth Services of San Joaquin County, proclaiming the month of November 2011 as "National Homeless Youth Awareness and Runaway Prevention Month" in the City of Lodi.

B-2 Presentation of Certificates of Recognition to Local Youth for Meritorious Service to the Lodi Police Department

Mayor Johnson presented Certificates of Recognition to three local youth for meritorious service to the Lodi Police Department.

B-3 Presentation by Hospice of San Joaquin Regarding 2011 Tree of Lights

Julie Wetteland, Lodi Chapter Butterfly Auxiliary President for Hospice of San Joaquin, gave a presentation regarding the 2011 Hospice Tree Lighting in the City of Lodi.

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 \$3,491,634.27 (FIN)

Claims were approved in the amount of \$3,491,634.27.

C-2 Approve Minutes (CLK)

The minutes of October 5, 2011 (Regular Meeting), October 11, 2011 (Shirtsleeve Session), October 18, 2011 (Shirtsleeve Session), and October 25, 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 Adopt Resolution Approving the City of Lodi Annual Investment Policy and Internal Control Guidelines (CM)

Adopted Resolution No. 2011-167 approving the City of Lodi Annual Investment Policy and Internal Control Guidelines.

C-5 Adopt Resolution Approving the Purchase of 6,000 Feet of Insulated Underground Cable to Prysmian Cables and Systems USA, of Lexington, South Carolina (\$60,161.70) (EUD)

Adopted Resolution No. 2011-168 approving the purchase of 6,000 feet of insulated underground

cable to Prysmian Cables and Systems USA, of Lexington, South Carolina, in the amount of \$60,161.70.

- C-6 Adopt Resolution Approving the Purchase of Padmount Transformers from HEES Enterprises, Inc., of Astoria, Oregon, and CG Power Systems USA Inc., of Washington, Missouri (\$82,419.06) (EUD)

Adopted Resolution No. 2011-169 approving the purchase of padmount transformers from HEES Enterprises, Inc., of Astoria, Oregon, and CG Power Systems USA Inc., of Washington, Missouri, in the amount of \$82,419.06.

- C-7 Adopt Resolution Approving the Third Amended and Restated Northern California Power Agency Metered Subsystem Aggregator Agreement and Authorizing Execution by the City Manager with Administration by the Electric Utility Director (EUD)

Adopted Resolution No. 2011-170 approving the Third Amended and Restated Northern California Power Agency Metered Subsystem Aggregator Agreement and authorizing execution by the City Manager with administration by the Electric Utility Director.

- C-8 Adopt Resolution Extending City of Lodi Participation for Ten Years in the San Joaquin County Abandoned Vehicle Abatement Service Authority Program (PD)

Adopted Resolution No. 2011-171 extending City of Lodi participation for ten years in the San Joaquin County Abandoned Vehicle Abatement Service Authority Program.

- C-9 Approve Amendment to City Council Protocol Manual Section 5.2 (Commission Appointments) to Add Language Regarding Removal Process (CLK)

Approved amendment to City Council Protocol Manual Section 5.2 (Commission Appointments) to add language regarding removal process.

- C-10 Adopt Resolution Disbanding the Community Separator/Greenbelt Task Force and the Grape Bowl Ad Hoc Committee (CLK)

Adopted Resolution No. 2011-172 disbanding the Community Separator/Greenbelt Task Force and the Grape Bowl Ad Hoc Committee.

- C-11 Adopt Resolution Amending the Bylaws for the Lodi Improvement Committee (CD)

Adopted Resolution No. 2011-173 amending the bylaws for the Lodi Improvement Committee.

- C-12 Set Public Hearing for November 16, 2011, to Consider Unmet Transit Needs in Lodi (PW)

Set public hearing for November 16, 2011, to consider unmet transit needs in Lodi.

- 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.

John Slaughterback spoke in regard to his concern about previous discussions regarding the City's banking services and the need to bring the item back to Council for consideration.

Cheryl Phillips spoke in regard to her concern about the ongoing noise on her property from the soil vapor extraction system. City Attorney Schwabauer stated the State will need to authorize turning the system off and a brief discussion ensued amongst Council and Mr. Bartlam regarding the ability to mitigate the noise.

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

In response to Council Member Nakanishi, Deputy City Manager Jordan Ayers stated from a budgetary perspective and based on consultant opinion the City has a good idea of what the sales tax collection will be at the end of the year although minor adjustments may need to be made due to miscalculations.

Mayor Pro Tempore Mounce stated she will be participating remotely at the next City Council meeting due to her attendance at the League of California Cities meeting.

Council Member Hansen reported on his attendance at the meetings of the San Joaquin Council of Governments and Northern California Power Agency and specifically discussed the State Transportation Improvement Program, funding for the Harney Lane grade separation project and the Lower Sacramento Road widening project, status of Highway 12 improvements, and the San Joaquin Valley blueprint.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Adoption of a Resolution Amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2012 (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 adoption of a resolution amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2012.

City Manager Rad Bartlam provided a brief overview of the proposed resolution amending the Multi-Species Habitat Conservation and Open Space Plan Development Fees as outlined in the staff report.

In response to Council Member Hansen, Steve Mayo representing San Joaquin Council of Governments, stated the increase is needed to mitigate the costs associated with land acquisition and monitoring the endowments into perpetuity.

In response to Council Member Nakanishi, Mr. Mayo stated he has heard of no objections to the proposed increase.

In response to Mayor Pro Tempore Mounce, Mr. Mayo stated generally land acquisition happens away from City boundaries because they do not want to influence development. Mr. Mayo also provided an overview of where Lodi mitigation land has been acquired including near Acampo

and Highway 12 near the Delta.

Council Member Hansen made a motion, second by Mayor Johnson, to adopt Resolution No. 2011-174 amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 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

H. Communications

H-1 Appointments to Lodi Animal Commission and Personnel Board of Review and Post for Remaining Vacancy on the Personnel Board of Review (CLK)

Mayor Pro Tempore Mounce made a motion, second by Mayor Johnson, to make the following appointments and direct the City Clerk to post for remaining vacancy shown below:

APPOINTMENTS:

Lodi Animal Advisory Commission

Rebecca Hernandez, term to expire December 31, 2013

Personnel Board of Review

Ed Miller, term to expire January 1, 2014

Bill Russell, term to expire January 1, 2014

Jim Schweickardt, term to expire January 1, 2014

Floyd Williams, term to expire January 1, 2015

POSTINGS:

Personnel Board of Review

One Vacancy, 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 Approve Lodi Tourism Business Improvement District 2012 Annual Report, Adopt Resolution of Intention to Levy Annual Assessment, and Set Public Hearing for November 16, 2011, to Consider the Proposed Assessment (CM)

Nancy Beckman provided a PowerPoint presentation regarding the Lodi Tourism Business Improvement District and Visit Lodi. Specific topics of discussion included advertising, marketing and promotions, tradeshow, fam tours, press and media, publications, and 2011-2012 overviews.

In response to Council Member Hansen, Mr. Bartlam stated the directional sign program has not

died and staff is looking at a variety of funding sources.

In response to Council Member Hansen, Ms. Beckman stated she has not heard anything about the Visitors Center moving from the Turner Road location. Ms. Beckman stated Visit Lodi is considering moving downtown and being open extended hours as another visitors center and would not conflict with the existing center on Turner Road.

In response to Mayor Johnson, Ms. Beckman stated City Council participation in fam tours is a welcome suggestion.

Mayor Johnson made a motion, second by Council Member Hansen, to approve the Lodi Tourism Business Improvement District 2012 Annual Report, adopt Resolution No. 2011-175 of Intention to levy annual assessment, and set public hearing for November 16, 2011, to consider the proposed assessment.

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

J-1 Adopt Ordinance No. 1853 Entitled, "An Ordinance of the Lodi City Council Amending Chapter 13.20 - Electrical Service - by Repealing and Reenacting Section 13.20.225, "Schedule NEM - Net Energy Metering Rider," and Section 13.20.227, "Schedule CEM - Co-Energy Metering Rider" (CLK)

Mayor Pro Tempore Mounce 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. 1853 entitled, "An Ordinance of the Lodi City Council Amending Chapter 13.20 - Electrical Service - by Repealing and Reenacting Section 13.20.225, 'Schedule NEM - Net Energy Metering Rider,' and Section 13.20.227, 'Schedule CEM - Co-Energy Metering Rider,'" which was introduced at a regular meeting of the Lodi City Council held October 19, 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

J-2 Adopt Ordinance No. 1854 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 17 - Zoning - Chapter 17.57, "General Regulations and Exceptions," by Adding Section 17.57.200, "Interim Regulations for Mixed Use Designations" (CLK)

Mayor Pro Tempore Mounce 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. 1854 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 17 - Zoning - Chapter 17.57, 'General Regulations and Exceptions,' by Adding Section 17.57.200, 'Interim Regulations for Mixed Use Designations,'" which was introduced at a regular meeting of the Lodi City Council held October 19, 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

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:22 p.m.

ATTEST:

Randi Johl  
City Clerk