

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 21, 2012**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of March 21, 2012, was called to order by Mayor Mounce at 5:32 p.m.

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

Absent: None

Also Present: City Manager Bartlam, Deputy City Attorney Magdich, and Assistant City Clerk Robison

C-2 Announcement of Closed Session

- a) Conference with Janice Magdich, Deputy 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 Janice Magdich, Deputy City Attorney (Labor Negotiator), Regarding Police Mid-Managers, Lodi Police Officers Association, and Lodi Police Dispatchers Association Pursuant to Government Code §54957.6
- c) Government Code Section 54956.9(b)(c); Exposure to Litigation; Ross Dress for Less v. City of Lodi Regarding Alleged Utility Overcharges
- d) Prospective Acquisition of Real Property Located at 16 South Cherokee Lane, Lodi, California (APN #043-230-13); the Negotiating Parties are City of Lodi and Geweke Land Development and Marketing, L.P.; Government Code §54956.8

C-3 Adjourn to Closed Session

At 5:32 p.m., Mayor Mounce adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:47 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Mounce reconvened the City Council meeting, and Deputy City Attorney Magdich disclosed the following actions.

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

Item C-2 (d) was discussion and direction given with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of March 21, 2012, was called to order by Mayor Mounce at 7:00 p.m.

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

Absent: None

Also Present: City Manager Bartlam, Deputy City Attorney Magdich, and Assistant City Clerk Robison

B. Presentations

B-1 Arbor Day Proclamation (PRCS)

Mayor Mounce presented a proclamation to Park Superintendent, Steve Dutra, proclaiming Saturday, April 7, 2012, as "Arbor Day" in the City of Lodi.

B-2 National Library Week Proclamation (LIB)

Mayor Mounce presented a proclamation to Nancy Martinez, Library Services Director, proclaiming the week of April 8 - 14, 2012, as "National Library Week" in the City of Lodi.

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

Council Member Hansen 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, Council Member Katzakian, Mayor Pro Tempore Nakanishi, and Mayor Mounce

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$5,490,231.88 (FIN)

Claims were approved in the amount of \$5,490,231.88.

C-2 Approve Minutes (CLK)

The minutes of March 6, 2012 (Shirtsleeve Session), March 7, 2012 (Regular Meeting), and March 13, 2012 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for 2012 Utility Frame and Cover Adjustment Project, Various Locations (PW)

Approved the plans and specifications and authorized advertisement for bids for 2012 Utility Frame and Cover Adjustment Project, Various Locations.

C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for 2012 Streets Crack Sealing Contract (PW)

Approved the plans and specifications and authorized advertisement for bids for 2012 Streets Crack Sealing Contract.

C-5 Adopt Resolution Authorizing the City Manager to Execute Professional Services

Agreement with Interwest Consulting Group, of Elk Grove, for Geographical Information System Viewer and Database Migration (\$35,475) (PW)

Adopted Resolution No. 2012-22 authorizing the City Manager to execute professional services agreement with Interwest Consulting Group, of Elk Grove, for Geographical Information System viewer and database migration in the amount of \$35,475.

C-6 Adopt Resolution Approving a Five-Year Copier Lease and Maintenance Agreement and Authorizing the City Manager to Execute the Agreement with Lucas Business Systems for a Staff Copier and Printing Solutions for the Public (LIB)

Adopted Resolution No. 2012-23 approving a five-year copier lease and maintenance agreement and authorizing the City Manager to execute the agreement with Lucas Business Systems for a staff copier and printing solutions for the public.

C-7 Adopt Resolution Approving Memorandums of Understanding Between the City of Lodi and the AFSCME Council 57 Local 146-AFL-CIO General Services and Maintenance and Operators Units for the Period January 1, 2012 through December 31, 2013 (CM)

Items C-7 and C-8 were pulled by Council Member Hansen for comment.

Council Member Hansen expressed his appreciation to City of Lodi employees for stepping up to the plate and making the necessary concessions in keeping the City's budget balanced.

Mayor Mounce agreed, adding that employees are providing the same level of service to the public despite these reductions, and she expressed her gratitude.

Further, in regard to Item C-8, Mayor Mounce stated she would not support the request as she is opposed to the six-month severance pay clause.

In response to Mayor Pro Tempore Nakanishi, City Manager Bartlam stated it is common that "at-will" employees, which include Council Appointees and Executive Management, have severance clauses in their contracts. The state maximum is 18 months, but he believed 6 months was typical. Mayor Pro Tempore Nakanishi requested further information on standard severance clauses for cities prior to the next time a similar matter is brought before Council.

Council Member Hansen made a motion, second by Council Member Katzakian, to adopt Resolution No. 2012-25 approving Memorandums of Understanding between the City of Lodi and the AFSCME Council 57 Local 146-AFL-CIO General Services and Maintenance and Operators Units for the period January 1, 2012 through December 31, 2013.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Johnson

Absent: None

C-8 Adopt Resolution Approving Benefit Modifications for Council Appointees and Executive Management and Authorizing the Execution of Agreements with Council Appointees and Executive Management Incorporating the Benefit Modifications; and Further Authorizing Outside Counsel to Draft Council Appointee (City Attorney) Employment Agreement (CM)

Council Member Hansen made a motion, second by Council Member Katzakian, to adopt

Resolution No. 2012-26 approving benefit modifications for Council Appointees and Executive Management and authorizing the execution of agreements with Council Appointees and Executive Management incorporating the benefit modifications; and further authorizing outside counsel to draft Council Appointee (City Attorney) employment agreement.

VOTE:

The above motion carried by the following vote:

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

Noes: Mayor Mounce

Absent: None

C-9 Adopt Resolution Acknowledging the City of Lodi Electric Utility's Obligation Regarding Energy Storage Systems as Defined in Assembly Bill 2514 (EUD)

Adopted Resolution No. 2012-24 acknowledging the City of Lodi Electric Utility's obligation regarding energy storage systems as defined in Assembly Bill 2514.

C-10 Adopt Resolution Setting Late Fees for Delinquent Utility Bills (CM)

This item was pulled by a member of the public.

Ed Miller requested that staff report back on whether or not this amendment regarding late fees for utility bills has reduced the City's cost of monitoring delinquent accounts.

Mayor Mounce indicated she would not support the request as she felt \$25 was excessive and potentially unnecessary if the recently approved shut-off program works as expected, with which Mayor Pro Tempore Nakanishi agreed.

Council Member Hansen stated he would support the recommendation because the cost to follow up on delinquent accounts is significant and this change will attempt to recover some of the loss.

In response to Council Member Johnson, Deputy City Manager Jordan Ayers confirmed the City loses \$545,000 each year, but receives approximately \$900,000 in late fees.

City Manager Bartlam stated late fee revenue covers the cost of dealing with late paying customers, which requires an enormous amount of staff time. He clarified that staff is not recommending a change in the fees amounts; rather, the current fees are being associated with the new time lines.

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2012-27 setting late fees for delinquent utility bills.

VOTE:

The above motion carried by the following vote:

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

Noes: Mayor Pro Tempore Nakanishi, and Mayor Mounce

Absent: None

C-11 Set Public Hearing for April 18, 2012, to Consider Adopting Resolution Setting Pre-Approved Engineering News Record Adjustment Index for Wastewater Rates for Residential, Commercial, and Industrial Customers (PW)

Set public hearing for April 18, 2012, to consider adopting resolution setting pre-approved

Engineering News Record adjustment index for wastewater rates for residential, commercial, and industrial customers.

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 Boriack and her daughters, Tina and Elizabeth, invited Council and the public to participate in the Challenge Failure race event to be held on April 21 at 1310 Thurman Street in Lodi. The event will raise funds for heart failure research and education. Last year's event drew 300 participants and raised \$20,000.

Mayor Mounce applauded Ms. Boriack, who lost her husband two years ago to the disease, for her efforts and stated she would attend the event and welcome participants.

Council Member Johnson commended Ms. Boriack for coordinating this event, including personally fronting the costs associated with the event so that 100 percent of the money raised goes toward this worthy cause.

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

Council Member Hansen commended the Tokay High School students who recently won the regional Science Bowl and will be continuing on to compete in Washington D.C. Further, Council Member Hansen questioned if the mistletoe in the trees along Church Street will be removed and what the plan is for the marked trees along that street.

Public Works Director Wally Sandelin responded that a majority of the Modesto Ash trees will be removed eventually because their age has made them prone to disease and mistletoe and there is no way to save them. The trees will not be removed all at once, they will be replaced, and there is no plan to remove the mistletoe on those trees in the interim.

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

City Manager Bartlam wished Mayor Pro Tempore Nakanishi a happy birthday.

G. Public Hearings

G-1 Public Hearing to Approve the Draft 2012/13 Annual Action Plan for the Community Development Block Grant Program (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 Mounce called for the public hearing to consider approving the Draft 2012/13 Annual Action Plan for the Community Development Block Grant (CDBG) Program.

City Manager Bartlam briefly introduced the subject matter of the Draft 2012/13 Action Plan for the CDBG Program.

Neighborhood Services Manager Joseph Wood provided a PowerPoint presentation regarding the CDBG Program. Specific topics of discussion included 2012/13 Action Plan, allocation and application process, funding availability, scoring matrix, Section 108 loan for Grape Bowl project, and CDBG Action Plan time line.

In response to Council Member Hansen, Mr. Wood stated the federal mandate is to cap the public service funding at 15 percent. If the cap is exceeded, the California Department of Housing and Urban Development would reject the Action Plan and require it be revised. There is no funding limit on bricks and mortar type projects.

In response to Mayor Pro Tempore Nakanishi, Mr. Bartlam stated that the Americans with Disabilities Act retrofit is for two different City projects. The Section 108 loan authorization is for the Grape Bowl renovation project, which must be included in the Action Plan in order to progress the source of funds. Further, Mr. Wood stated that the Section 108 loan is from investor funds and is paid back using future CDBG funding.

In response to Mayor Mounce, Mr. Wood confirmed that any unused loan money could be utilized toward loan repayment. Mr. Bartlam further responded that, should the CDBG program be terminated, the loan repayments would come from the General Fund.

Mayor Pro Tempore Nakanishi stated he would prefer the loan program be set up for 10-year repayment versus 12 or 15 years since it is unknown how much longer CDBG funding will be available. Mr. Bartlam confirmed that, if the Grape Bowl renovation project does not move forward, neither does the loan request.

Mr. Wood stated that the loan could be paid off early and, if the CDBG program were to draw to an end, the City would likely know a year or so in advance, which could allow for accelerated payments from the CDBG funding to repay the loan.

Mayor Mounce expressed concern with the Section 108 loan payments coming out of the CDBG program as it will reduce the funding amount, which is the only source for upgrades on the east side of town, and without this funding she feared the east side would once again be ignored.

In response to Council Member Hansen, Mr. Wood stated that a 12-year loan would reduce the annual allocation by approximately \$80,000.

In response to Council Member Katzakian, Mr. Bartlam recommended against bypassing the 20 percent program administration cap; otherwise, the General Fund would support the program.

Council Member Johnson reminded Council that it voted previously to set the preferred loan repayment limit at 15 years and he hoped it would not be shortened prematurely.

Council Member Hansen agreed, stating that shortening the loan period would increase the cost and take away from other projects, maintaining the 15-year limit would provide a known loan repayment amount for allocation purposes, and any program increases could be applied toward early repayment.

Mayor Mounce opened the public hearing to receive public comment.

Dale Gillespie, representing the Loel Foundation, requested Council's continued support by approving its request for funding the demolition of the former church facility at 125 South Washington Street for a potential affordable senior housing project.

Council Member Hansen expressed support for the project but added that the option utilizing the parking lot would be his least favorite preference.

Mayor Mounce closed the public hearing after receiving no further public comment.

Council Member Hansen made a motion, second by Mayor Mounce, to adopt Resolution No. 2012-28 approving the Draft 2012/13 Annual Action Plan for the Community Development Block Grant Program.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

G-2 Public Hearing to Consider Adopting Resolution Certifying Mitigated Negative Declaration 11-02; Approve Plans and Specifications and Authorize Advertisement for Bids for Hutchins Street Reconstruction Project (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 Mounce called for the public hearing to consider adopting resolution certifying Mitigated Negative Declaration 11-02; approving plans and specifications and authorizing advertisement for bids for Hutchins Street Reconstruction Project.

City Manager Bartlam briefly introduced the subject matter of the Hutchins Street Reconstruction Project Negative Declaration and plans and specifications.

Public Works Director Wally Sandelin reported that this project consists of reconstructing Hutchins Street from Pine Street to Lodi Avenue by widening the narrow portions, enhancing street surface quality, providing some two-way and/or longer turn lanes for better traffic flow, and installing new sidewalk and Americans with Disabilities Act improvements. The necessary street easements have been acquired, and staff has determined that no significant impact exists that could not be mitigated to a less than significant level.

In response to Council Member Hansen, Mr. Sandelin stated that the project would not widen the street at the Lodi Avenue and Hutchins Street intersection but it would lengthen the dedicated turn lanes.

Mayor Pro Tempore Nakanishi referenced the Blue Sheet letter received from the property owners at 12 South Hutchins Street expressing concern that this project would decrease their property value and create a safety hazard. Mr. Sandelin replied that staff has explained to them that the two-foot grass strip between the sidewalk and street would be removed and new sidewalk would be installed in the same location allowing for a slightly wider street.

In response to Mayor Mounce, Mr. Bartlam stated that discussions with property owners regarding street easements have been amicable and the residents have been aware of this for quite some time. Mr. Sandelin responded that for the last 15 years the intent has been to reconstruct this section of Hutchins Street because it is so badly deteriorated and has poor traffic flow and for financial reasons the City cannot continue reconstruction beyond Pine Street.

Mayor Mounce opened the public hearing to receive public comment.

Gerald Hanning, resident on Hutchins Street, expressed concern regarding the proposed seven-

and-a-half-foot sidewalks being installed on his block, which would remove two-and-a-half feet from his yard. He believed the standard five-foot sidewalks were sufficient for the entire area.

Mr. Jones, property owner on Hutchins Street, disagreed that discussions were amicable, argued that there is not a severe enough traffic problem to necessitate the street widening, and complained that the larger sidewalks would remove eight to ten feet from his property.

John Kennedy, resident on Hutchins Street, expressed opposition to the larger sidewalks, support for the standard five-foot sidewalks, and disagreement regarding the traffic in that area, adding that he has only seen mild delays during the normal busier times of day.

Mayor Mounce closed the public hearing after receiving no further public comment.

In response to Mayor Pro Tempore Nakanishi, Mr. Sandelin pointed out that Council directed staff in June 2010 to proceed with this project and acquire the necessary remaining street easements. The justification for the larger sidewalk was to connect the commercial area to the wider sidewalk on the Hutchins Street Square block; however, staff could adjust the plan to five-foot sidewalks should Council so desire.

In response to Council Member Johnson, Mr. Sandelin stated that bulb-outs are a proven technique in making pedestrians feel safer crossing the street.

In response to Council Member Hansen, Mr. Sandelin stated that reducing the sidewalk width from seven and a half feet to five feet would not negatively impact the overall goal of improving and widening the street.

Mayor Mounce re-opened the public hearing to take additional comments.

Gerald Hanning expressed support for the five-foot sidewalks.

Shirley Jones, property owner on Hutchins Street, pointed out that most of this area is residential, not commercial, so this affects households more than it does businesses. She and her husband were aware of this plan and have been reimbursed for the easement; however, she was opposed to the larger sidewalk and expressed support for the standard five-foot width.

Mayor Mounce closed the public hearing.

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2012-29 certifying Mitigated Negative Declaration 11-02; and approve plans and specifications and authorize advertisement for bids for Hutchins Street Reconstruction Project with the amendment to reduce the sidewalks to the standard five-foot width.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

G-3 Public Hearing to Consider Resolution Approving Contractual Consumer Price Index Based Annual Adjustment to Rates for Solid Waste Collection (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 Mounce called for the public hearing to consider resolution

approving contractual Consumer Price Index (CPI) based annual adjustment to rates for solid waste collection.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding the contractual CPI based annual adjustment to the rates for solid waste collection. Specific topics of discussion included contract language, CPI rate adjustment factor, county gate fees, and example rate changes.

In response to Council Member Hansen, Mr. Sandelin stated that the county gate fees increase annually.

In response to Mayor Mounce, Thom Sanchez, representing Waste Management, stated that it has only happened a couple of times that an increase was not requested with the last time being 2008. Mayor Mounce stated she does not normally support rate increases; however, she appreciated that Waste Management requests minimal, incremental increases.

Mayor Mounce opened and closed the public hearing after receiving no public comments.

Council Member Hansen made a motion, second by Council Member Katzakian, to adopt Resolution No. 2012-30 approving contractual Consumer Price Index based annual adjustment to rates for solid waste collection.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H. Communications

H-1 Monthly Protocol Account Report (CLK)

Mayor Mounce made a motion, second by Council Member Hansen, to approve the cumulative Monthly Protocol Account Report through February 29, 2012.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I. Regular Calendar

I-1 Receive Report on Grape Bowl Stadium Fundraising Plan; Approve Plans and Specifications and Authorize Advertisement for Bids for Scoreboard Installation; and Adopt Resolution: a) Approving Sole Source Purchase of Grape Bowl Scoreboard from Daktronics Company, of Brookings, South Dakota (\$67,613); b) Authorizing the City Manager to Execute a Professional Services Agreement with Siegfried Engineering, Inc., of Stockton, for Design (\$21,700); and c) Appropriating Funds (\$113,500) (PW)

City Manager Rad Bartlam briefly introduced the subject matter of the Grape Bowl stadium fundraising plan and associated actions.

Public Works Director Wally Sandelin acknowledged the work of DellaMonica Snyder Architects for the Grape Bowl diagrams and provided a PowerPoint presentation regarding the Grape Bowl. Specific topics of discussion included various diagrams, requested Council actions, work completed, Phase 3 improvements, costs and funding sources, fundraising plan, schedule, and request for Council direction on funding assumption and staging.

In response to Council Member Hansen, Mr. Sandelin stated that staff costs include staff time, materials, and special studies and work performed by Engineering and Parks and Recreation staff to bring the project forward and is not for overtime.

In response to Council Member Hansen, Mr. Sandelin stated the installed cost of the scoreboard is \$178,000, which includes the steel frame and foundation, with the purchase of the scoreboard alone at \$67,000. It may be necessary for an additional appropriation for installation of the scoreboard at time of contract award. The sound system is part of the scoreboard, and there are advertising panels along the bottom of the scoreboard that could generate revenue for the City.

In response to Council Member Johnson, Mr. Sandelin stated that the \$200,000 in lighting upgrades was sponsored by Community Development Block Grant - Recovery (CDBG-R) and Public Benefit funds and changed out a majority of the lighting fixtures in the stadium, resulting in a brighter lumen level at the playing field with less glare. The earlier Phase 3 concept included area lighting in the plaza and along the ramps; however, it was learned that new fixtures could be installed on the existing lighting towers that would provide the same ground lighting at a much lower cost. In further response, Mr. Sandelin stated he was unsure whether or not Public Benefit funds would be available for this lighting phase.

In response to Council Member Hansen, Mr. Sandelin estimated the cost for lighting at \$55,000.

Mr. Sandelin pointed out that the PowerPoint reflects corrected figures on the costs and funding due to the removal of CDBG 07-03 funding in the amount of \$101,640, which was eliminated by a Board of Supervisors action taken in 2009, resulting in a revised funding shortfall of \$317,240.

In response to Mayor Mounce, Mr. Sandelin stated that the Section 108 loan authorization requires a detailed allocation process, the project must meet certain funding qualifications, and the figures were estimates at this point.

In response to Mayor Pro Tempore Nakanishi, Mr. Bartlam stated that Council action last October allowed staff to front the \$1 million Waste Management donation for this project from other impact funds, after which the City would collect \$100,000 a year from Waste Management. In further response regarding the \$300,000 project shortfall, Mr. Bartlam stated the figures were estimates, not actual bid prices, and it is possible that final costs could be less than estimated. He assured Council that staff would bring forward a project it could afford, even if that required deleting features from the project. Mayor Pro Tempore Nakanishi requested staff provide Council with information regarding future operating costs and how the City intends to pay for that.

In response to Mayor Mounce, Mr. Bartlam stated the architect's recommendation was the design with the entry way feature; however, staff is not recommending this option unless the City secures a donation for the naming rights. Additionally, there are a variety of design options for the building that will house the concessions, ticket booth, and restrooms, and staff will pursue the most inexpensive option.

Council Member Johnson reported that he has been involved in developing the fundraising concepts, along with an individual who is proficient in this regard, and he believed this proposal was a good start in encouraging donations for naming rights at the Grape Bowl.

In response to Mayor Pro Tempore Nakanishi, Mr. Bartlam stated staff is not requesting approval of the budget at this time. As with any other Public Works project, there are various steps in the process that will come back to Council for approval, including final costs and funding sources. He added that the fundraising plan was not included in the funding summary as they were only options at this time and staff was looking for consensus that the dollar amounts for the naming rights were acceptable in order to begin seeking donations.

In response to Council Member Hansen, Mr. Sandelin stated that Metro PCS requested permission to install equipment on the City's water tower and following negotiations both parties agreed to a \$35,000 public donation to be applied toward communications at the Grape Bowl.

In response to Council Member Hansen, Mr. Bartlam stated the fundraising plan would be a formal guideline for staff to follow in seeking donations, which could be applied toward repaying the City for projects already completed at the Grape Bowl or to advance funds for the next phase.

Mayor Mounce expressed concern that the City has put a considerable amount of money into this project but it has yet to identify future uses for the facility other than sports and school district use. She further stated she was uncomfortable with the Metro PCS donation being applied toward the Grape Bowl instead of future maintenance of the water tower.

In response to Council Member Katzakian, Mr. Bartlam stated that, according to the scoreboard manufacturer, the advertising panels typically lease for \$3,500 a year for a one- to three-year period.

Council Member Johnson pointed out the difficulty in marketing a facility that lacks adequate restroom facilities and concessions and he believed the Grape Bowl would be more marketable and draw additional venues and uses once it was completed.

Jack Fiori commended staff for putting together a quality package; however, he expressed disappointment with the time line, stating this project should have commenced six months ago and construction should begin earlier than March 2013. He stated construction firms were highly competitive at this time and the longer the City waited the more costly this will become. He suggested working around graduation and not canceling it by utilizing the east end of the stadium should construction be on-going during that time.

Randy Snider expressed support for the naming opportunities program and agreed that this project should move forward more quickly than staff is recommending.

In response to Mayor Pro Tempore Nakanishi, Mr. Sandelin stated that conducting graduation during the construction phase would place the City in an awkward liability condition with multiple parties concurrently responsible for the facility and the venue.

Council Member Johnson agreed with the suggestion that the eastern side of the Grape Bowl be utilized for graduation, as well as during football season, adding that parking would be available on the north side or perhaps the Grape Festival would allow parking across the street. He expressed support for authorizing the work as soon as possible.

Mr. Bartlam explained that the issues with starting construction earlier are the risk of inclement weather, interruption of football season and graduation, and potential liability risks with the City, school district, and construction company in the facility at one time and accelerating the construction schedule could result in additional costs.

Deputy City Attorney Magdich also cautioned against the potential liability risk, stating that access

is not the issue but the construction activity occurring at the same time of events is.

In response to Council Member Hansen, Mr. Sandelin stated that designing the building with the concessions, restrooms, and ticket booth is a critical phase that Council may not want to rush and pointed out this contract award to Siegfried Engineering was for civil engineering services only.

Council Member Hansen expressed understanding regarding the potential liability issue but believed it was possible to work around graduation with the use of barriers and security personnel blocking access near the construction, with which Council Member Johnson concurred.

Randy Snider suggested the City proceed with the scoreboard, bid the project this summer, and advance the construction date from March 2013 to November 15, 2012, which would be the end of football season depending upon playoff games. Weather may be a factor but it would depend upon a wet or dry season. Should construction not be completed prior to graduation, the school district could decide if it wants to hold the ceremony at the Grape Bowl or elsewhere.

City Manager Bartlam stated this is feasible assuming Council accepted the risk of potential contract change orders, additional costs, and liability concerns.

Baubie Fox, whose son is graduating next year, stated she was not opposed to graduation being moved elsewhere or adjusted to avoid construction and strongly encouraged Council to move this project forward as quickly as possible.

Council Member Hansen made a motion, second by Council Member Katzakian, to approve the plans and specifications and authorize advertisement for bids for scoreboard installation and adopt Resolution No. 2012-31 a) approving sole source purchase of Grape Bowl scoreboard from Daktronics Company, of Brookings, South Dakota in the amount of \$67,613; b) authorizing the City Manager to execute a professional services agreement with Siegfried Engineering, Inc., of Stockton, for design in the amount of \$21,700; and c) appropriating funds in the amount of \$113,500; and further directing that the construction phase begin on November 15, 2012, instead of March 2013.

VOTE:

The above motion carried by the following vote:

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

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 10:05 p.m.

ATTEST:

Jennifer M. Robison
Assistant City Clerk