

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 15, 2012**

- C-1 Call to Order / Roll Call - N/A
- C-2 Announcement of Closed Session - N/A
- C-3 Adjourn to Closed Session - N/A
- C-4 Return to Open Session / Disclosure of Action - N/A
- A. Call to Order / Roll Call

The Regular City Council meeting of August 15, 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, City Attorney Schwabauer, and City Clerk Johl

B. Presentations

- B-1 Presentation of Firefighter of the Year 2011 Plaque to Fire Captain Chris Allen (FD)

Division Chief Aimee New presented the Firefighter of the Year 2011 plaque to Fire Captain Chris Allen.

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

Mayor 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 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 \$3,253,714.74 (FIN)

Claims were approved in the amount of \$3,253,714.74.

- C-2 Approve Minutes (CLK)

The minutes of July 31, 2012 (Shirtsleeve Session), August 1, 2012 (Regular Meeting), and August 7, 2012 (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)

This item was pulled for further discussion by Mayor Pro Tempore Nakanishi.

In response to Mayor Pro Tempore Nakanishi, City Manager Bartlam stated the City has an investment policy that outlines the City's investments and the subject status report sets forth where the investments are and how they are doing.

Mayor Pro Tempore Nakanishi made a motion, second by Council Member Katzakian, to accept the quarterly investment report as required by Government Code Section 53646 and the City of Lodi Investment Policy.

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-4 Accept Quarterly Report of Purchases Between \$10,000 and \$20,000 (CM)

Accepted the quarterly report of purchases between \$10,000 and \$20,000.

C-5 Approve Plans and Specifications and Authorize Advertisement for Bids for Ham Lane and Harney Lane Traffic Signal and Lighting Project (PW)

This item was pulled for further discussion by Mayor Mounce.

In response to Mayor Mounce, Public Works Director Wally Sandelin stated the signal is proposed to be operational by spring 2013.

Mayor Mounce made a motion, second by Council Member Hansen, to approve the plans and specifications and authorize advertisement for bids for Ham Lane and Harney Lane Traffic Signal and Lighting Project.

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-6 Approve Plans and Specifications and Authorize Advertisement for Bids for the Lodi Transit Station and Parking Structure Security and Safety System Project (PW)

Approved the plans and specifications and authorized advertisement for bids for the Lodi Transit Station and Parking Structure Security and Safety System Project.

C-7 Adopt Resolution Approving the Purchase of a Padmount Transformer from Howard Industries, of Laurel, Mississippi (\$22,762.19) (EUD)

Adopted Resolution No. 2012-127 approving the purchase of a padmount transformer from Howard Industries, of Laurel, Mississippi, in the amount of \$22,762.19.

C-8 Adopt Resolution Authorizing the City Manager to Execute Annual Purchase Order with D.

C. Frost Associates, Inc., of Walnut Creek, for Materials and Services Needed to Maintain Ultra Violet Disinfection System at White Slough Water Pollution Control Facility (\$261,540.90) (PW)

Adopted Resolution No. 2012-128 authorizing the City Manager to execute annual purchase order with D. C. Frost Associates, Inc., of Walnut Creek, for materials and services needed to maintain ultra violet disinfection system at White Slough Water Pollution Control Facility in the amount of \$261,540.90.

C-9 Adopt Resolution Authorizing the City Manager to Execute Contracts and Contract Extensions for Surface Water Treatment and Well Facilities Chemical Supply with Sierra Chemical Company, of Sparks, Nevada (\$78,844), and Univar USA, Inc., of Kent, Washington (\$66,000) (PW)

Adopted Resolution No. 2012-129 authorizing the City Manager to execute contracts and contract extensions for surface water treatment and well facilities chemical supply with Sierra Chemical Company, of Sparks, Nevada, in the amount of \$78,844, and Univar USA, Inc., of Kent, Washington, in the amount of \$66,000.

C-10 Adopt Resolution Authorizing the City Manager to Execute Contract for 2012 Church Street Mistletoe Trimming and Tree Removal with Berndt Tree Service, of Lodi (\$42,500) (PW)

This item was pulled for further discussion by Mayor Mounce.

In response to Mayor Mounce, Public Works Director Wally Sandelin stated certain trees have been marked for mistletoe removal and the remediation will be completed after the leaves fall near Thanksgiving. Mr. Sandelin stated the trees that are slated for removal will be removed in their entirety prior to that.

In response to Council Member Hansen, Mr. Sandelin stated the trees that are to be removed were slated for removal based on a tree survey regardless of the mistletoe due to their age and the type of tree they are. He stated new trees will be planted to replace the removed trees.

In response to Council Member Johnson, Mr. Sandelin clarified that in some cases mistletoe is being treated but the tree is not being removed and the Modesto Ash trees are being removed because they have run their course.

Mayor Mounce made a motion, second by Council Member Hansen, to adopt Resolution No. 2012-137 authorizing the City Manager to execute contract for 2012 Church Street Mistletoe Trimming and Tree Removal with Berndt Tree Service, of Lodi, in the amount of 42,500.

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-11 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement with WMB Architects, of Stockton, for Design Services for Public Safety Building First Floor Renovation Project (\$60,820) (PW)

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

In response to Council Member Hansen, Public Works Director Wally Sandelin confirmed the intent of staff to relocate Parks and Recreation and Fire Administration into the first floor of the old public safety building, stating construction may occur in the second half of 2013. City Manager Bartlam stated that, while there is \$500,000 budgeted for the project, the Americans with Disabilities Act accessibility issues are unknown, the design and cost estimate is for the first floor only, and the overall goal is to have all permitting functions for the City on one campus to create a one-stop shop for the end user.

Council Member Hansen made a motion, second by Mayor Mounce, to adopt Resolution No. 2012-138 authorizing the City Manager to execute professional services agreement with WMB Architects, of Stockton, for design services for Public Safety Building First Floor Renovation Project in the amount of \$60,820.

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-12 Adopt Resolution Authorizing the City Manager to Execute Contract for City Hall Parking Lot Reconstruction Project with A. M. Stephens Construction Company, Inc., of Lodi (\$238,877.65), and Appropriating Funds (\$100,000) (PW)

Adopted Resolution No. 2012-130 authorizing the City Manager to execute contract for City Hall Parking Lot Reconstruction Project with A. M. Stephens Construction Company, Inc., of Lodi, in the amount of \$238,877.65, and appropriating funds in the amount of \$100,000.

C-13 Adopt Resolution Authorizing the City Manager to Execute Contract and Contract Extensions for Procurement of Biosolids Dewatering Polymer at White Slough Water Pollution Control Facility with SNF/Polydyne, Inc., of Riceboro, Georgia (\$58,121) (PW)

Adopted Resolution No. 2012-131 authorizing the City Manager to execute contract and contract extensions for procurement of biosolids dewatering polymer at White Slough Water Pollution Control Facility with SNF/Polydyne, Inc., of Riceboro, Georgia, in the amount of \$58,121.

C-14 Adopt Resolution Authorizing the City Manager to Execute Contract for Well 6R Granular Activated Carbon Treatment System with Vinciguerra Construction, of Jackson (\$596,810) (PW)

Adopted Resolution No. 2012-132 authorizing the City Manager to execute contract for Well 6R granular activated carbon treatment system with Vinciguerra Construction, of Jackson, in the amount of \$596,810.

C-15 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement for Fixed Network Radio Backhaul Design Studies with RuggedCom, of Concord, Ontario (\$38,300), and Appropriating Funds (\$80,000) (PW)

Adopted Resolution No. 2012-133 authorizing the City Manager to execute professional services agreement for fixed network radio backhaul design studies with RuggedCom, of Concord, Ontario, in the amount of \$38,300, and appropriating funds in the amount of \$80,000.

C-16 Adopt Resolution Authorizing the City Manager to Execute a Professional Services

Agreement for the Purchase and Installation of a New Voicemail System with AdvanTel Networks, of Sacramento (\$46,767), and Appropriating Funds (\$36,450) (CM)

Adopted Resolution No. 2012-134 authorizing the City Manager to execute a professional services agreement for the purchase and installation of a new voicemail system with AdvanTel Networks, of Sacramento, in the amount of \$46,767, and appropriating funds in the amount of \$36,450.

C-17 Adopt Resolution Approving Human Resources Manager and Designees Authorization to Access Summary Criminal History Information for Employment Purposes at the State and Federal Level (CM)

Adopted Resolution No. 2012-135 approving Human Resources Manager and designees authorization to access summary criminal history information for employment purposes at the state and federal level.

C-18 Notice of Cost to Grant Two Years Additional Service Credit Under Government Code Section 20903 (CM)

Accept Notice of Cost to grant two years additional service credit under Government Code Section 20903.

C-19 Adopt Resolution Approving Police Department Budget Adjustment (\$192,122) for Fiscal Year 2012/13 (PD)

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

In response to Council Member Johnson, City Manager Bartlam confirmed that the Police groups were told that there would be a reallocation through a budget adjustment once the negotiations were concluded since the original budget was adopted prior to the negotiations being finalized. Mr. Bartlam stated the savings are being put back into the operations of the department and funding for a police officer exits due to the stair stepping savings.

In response to Council Member Johnson, Police Chief Mark Helms stated the department is trying to reestablish part-time positions that were lost due to a grant loss, interns have attended the police academy and are familiar with the operations of a police department, it is a value to have interns serve in the lobby to keep patrol officers on the street, and police officers are seldom in the building during the day to sign off on tickets.

In response to Council Member Hansen, Chief Helms stated the interns will also be able to assist with report-related services, for which there is a high demand.

Mayor Mounce made a motion, second by Council Member Hansen, to adopt Resolution No. 2012-139 approving Police Department budget adjustment in the amount of \$192,122 for Fiscal Year 2012/13.

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-20 Adopt Resolution Revising and Establishing Fees for Police, Fire, and Parks, Recreation,

and Cultural Services Departments (PRCS)

Adopted Resolution No. 2012-136 revising and establishing fees for Police, Fire, and Parks, Recreation, and Cultural Services Departments.

C-21 Accept the Notice of Draft Amendments to Conflict of Interest Code for the 2012 Calendar Year Per Government Code Section 87306.5 (CA)

Accepted the Notice of Draft Amendments to Conflict of Interest Code for the 2012 calendar year per Government Code Section 87306.5.

C-22 Adopt Resolution Pledging Continued Adherence to the Brown Act Despite the State's Decision to Suspend its Requirements for Fiscal Reasons (CLK)

This item was pulled for further discussion by Mayor Mounce.

Mayor Mounce thanked the City Clerk for bringing the item forward and assured the public that the City will continue to adhere to the Brown Act requirements regardless of the State's suspension of the same.

Mayor Mounce made a motion, second by Council Member Katzakian, to adopt Resolution No. 2012-140 pledging continued adherence to the Brown Act despite the State's decision to suspend its requirements for fiscal reasons.

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-23 Set Public Hearing for September 19, 2012, to Consider and Approve the Recommendation of the Planning Commission to Rezone Property Located at 515 South Lower Sacramento Road from R-1, C-S, and R-C-P to Planned Development (PD)-35 (CD)

Set public hearing for September 19, 2012, to consider and approve the recommendation of the Planning Commission to rezone property located at 515 South Lower Sacramento Road from R-1, C-S, and R-C-P to Planned Development (PD)-35.

C-24 Set Public Hearing for September 19, 2012, to Consider and Approve the 2011/12 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report and an Amendment of the 2012/13 Action Plan to Accommodate the Reallocation of Unused CDBG Funds (CD)

Set public hearing for September 19, 2012, to consider and approve the 2011/12 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report and an amendment of the 2012/13 Action Plan to accommodate the reallocation of unused CDBG funds.

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

Mayor Pro Tempore Nakanishi reported on various city bankruptcies throughout the State and urged the City Council and staff to be cautious when using consultants.

Council Member Johnson reported on his attendance at an event for military families at Lodi Lake and requested a special meeting on August 21, 2012, to authorize the Mayor to send a letter of opposition to AB 2451.

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

City Manager Bartlam wished Council Member Johnson a belated Happy Birthday.

G. Public Hearings

G-1 Public Hearing to Consider the Following Actions: a) Adopt Resolution Certifying the Negative Declaration as Adequate Environmental Documentation for the Master Plans for the Water, Wastewater, Storm Drainage, and Bicycle; and b) Adopt Resolution Approving Master Plans for Water, Wastewater, Storm Drainage, and Bicycle; Approving Impact Mitigation Fee Program Report and Schedule of Fees; and Approving Impact Mitigation Fee Program Schedule of Reduced Fees (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 the following actions: a) Adopt resolution certifying the Negative Declaration as adequate environmental documentation for the Master Plans for the Water, Wastewater, Storm Drainage, and Bicycle; and b) Adopt resolution approving Master Plans for Water, Wastewater, Storm Drainage, and Bicycle; approving Impact Mitigation Fee Program Report and schedule of fees; and approving Impact Mitigation Fee Program schedule of reduced fees.

Public Works Director Wally Sandelin provided a brief PowerPoint presentation regarding the Impact Mitigation Fee Program. Specific topics of discussion included history of the program, changes to the program, storm drainage, incentive zones, recommended fee program, residential low density, commercial office, fee comparison, and recommended actions.

In response to Mayor Mounce, City Manager Bartlam confirmed that the Art in Public Places Board was contacted and it is supportive of moving forward with the proposed action.

In response to Mayor Pro Tempore Nakanishi, Mr. Sandelin stated that, if the use remains the same now as it will be in the future, then he does not anticipate any additional charges for water service.

In response to Council Member Johnson, Mr. Sandelin stated in the example of the Sunset Theatre a reuse proposal for it will not necessarily increase capacity because it will receive full credit for what is already there and only have to pay additional charges for increased capacity.

In response to Council Member Hansen, Mr. Sandelin stated vacant land in incentive zones

would pay fees because they are starting from the ground up but they will not be required to pay for transportation, police, or similar fees.

In response to Mayor Mounce, Mr. Bartlam and Mr. Sandelin confirmed that \$5,940 is a catalyst to start development, the bulk of fees collected are in non-residential, and the developer is paying some costs directly rather than receiving reimbursement as is the case with parks.

In response to Council Member Hansen, Mr. Bartlam confirmed Century Park does have an assessment for its long-term maintenance. Mr. Sandelin stated community facility fees paid by the service users in a particular neighborhood fund parks and other similar activities.

In response to Council Member Hansen, Mr. Bartlam stated the City would be very competitive in its fees in comparison with other cities in the County as set forth in the chart.

In response to Mayor Pro Tempore Nakanishi, Mr. Bartlam confirmed every city has a different set of policies and standards, toward which they apply various fees.

In response to Mayor Mounce, Mr. Bartlam stated because the City has fixed rate debt it knows exactly what its debt will be during the term of the proposed fee program. Mr. Bartlam stated that improvements are primarily built and there are not a lot of new facilities on the horizon during the term of the proposed fee program.

In response to Council Member Hansen, Mr. Sandelin confirmed that the reduced fees will automatically sunset in December 2019 and a new fee schedule will be introduced in January 2020.

In response to Mayor Mounce, Mr. Bartlam confirmed that a future City Council can change the program if it so desired as an existing City Council cannot bind the hands of a future City Council.

In response to Council Member Katzakian, Mr. Bartlam confirmed that the fee program can also be extended if so desired.

Mayor Mounce opened the public hearing to receive public comment.

John Beckman, representing the Building Industry Association, spoke in support of the proposed recommendation to adopt the impact fee program as outlined with the reduced fees.

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

Council Member Hansen made a motion, second by Council Member Katzakian, to adopt Resolution No. 2012-141 certifying the Negative Declaration as adequate environmental documentation for the Master Plans for the Water, Wastewater, Storm Drainage, and Bicycle; and b) to adopt Resolution No. 2012-142 approving Master Plans for Water, Wastewater, Storm Drainage, and Bicycle; approving Impact Mitigation Fee Program Report and schedule of fees; and approving Impact Mitigation Fee Program schedule of reduced fees.

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 Introduce Ordinances Regarding Termination of Southwest Gateway and Westside Project Development Agreements with Frontier Community Builders, Inc. (CM)

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 introduction of ordinances regarding termination of Southwest Gateway and Westside Project Development Agreements with Frontier Community Builders, Inc.

Council Member Hansen recused himself due to a conflict of interest based on real property interest and left the Chamber during consideration of this item.

City Manager Bartlam provided a brief overview of the proposed ordinances to terminate the subject development agreements as set forth in the staff report regarding the same.

In response to Mayor Mounce, Mr. Bartlam confirmed that the obligations in the existing development agreements to purchase fire-related apparatus would cease to exist with the proposed action.

Mayor Mounce opened the public hearing to receive public comment.

The following individuals spoke in support of the recommended action to terminate the Southwest Gateway and Westside Project Development Agreements: Mike Hakim; Tom Doucette, President of FCB Homes; and George Gibson, Senior Vice-President of FCB Homes.

In response to Mayor Mounce, Mr. Doucette stated his company will continue to drive rehabilitation on the east side of town on the open market. Mr. Doucette stated he will end up paying a higher amount under the impact fee program for fire fees than he would have with the development agreement.

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

Mayor Pro Tempore Nakanishi made a motion, second by Council Member Katzakian, to introduce Ordinance No. 1861 terminating the Southwest Gateway Development Agreement and introduce Ordinance No. 1862 terminating the Westside Project Development Agreement both with Frontier Community Builders, Inc.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Recusals: Council Member Hansen

Absent: None

H. Communications

H-1 Post for One Vacancy on the Lodi Improvement Committee (CLK)

Mayor Mounce made a motion, second by Council Member Katzakian, to direct the City Clerk to post for the following vacancy:

Lodi Improvement Committee

Lisa Nixon, term to expire March 1, 2015

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-2 Monthly Protocol Account Report (CLK)

Mayor Mounce made a motion, second by Council Member Katzakian, to approve the cumulative Monthly Protocol Account Report through June 30, 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 Approve Downtown Lodi Business Partnership 2012 Annual Report, Adopt Resolution of Intention to Levy Annual Assessment, and Set Public Hearing for September 19, 2012, to Consider Proposed Assessment (CM)

Jaime Watts, Executive Director for the Downtown Lodi Business Partnership (DLBP), provided an overview of the 2012 Annual Report, as attached to the staff report, outlining the activities and budget for the DLBP for the current and upcoming year.

In response to Mayor Mounce, Deputy City Manager Jordan Ayers confirmed that all businesses had paid the assessment with the exception of two who are in the process of payment now.

In response to Council Member Hansen, Ms. Watts stated the projected revenue in the Farmers Market line item listed at \$40,000 does not reflect a new sponsorship that was recently received to offset the expense of the Beer Garden. Ms. Watts confirmed she will forward a revised budget reflecting the updated line item to the City Council prior to the next meeting.

In response to Council Member Johnson, Ms. Watts stated the Beer Garden was previously handled by DLBP directly and next year it will be catered and not processed by DLBP thereby eliminating the liability costs associated with it for the DLBP.

In response to Mayor Pro Tempore Nakanishi, Mr. Ayers stated there are approximately 250 members in the assessment, the City and DLBP apply their best efforts to full collection, those not complying are required to appear in court, and the City contributes approximately \$24,000 annually to DLBP.

In response to Council Member Johnson, City Attorney Schwabauer stated non-payments are prosecuted in criminal court as violations of the Lodi Municipal Code and those operations in the court system remain unchanged.

Council Member Hansen made a motion, second by Mayor Mounce, to approve the Downtown Lodi Business Partnership 2012 Annual Report, adopt Resolution No. 2012-143 of Intention to levy annual assessment, and set public hearing for September 19, 2012, to consider the proposed assessment with the caveat that the revised budget with the corrected line item

pertaining to the Farmer's Market is forwarded to the City Council.

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 9:10 p.m.

ATTEST:

Randi Johl
City Clerk