

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 19, 2012**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of September 19, 2012, was called to order by Mayor Mounce at 6:30 p.m.

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

Absent: Council Member Hansen

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

C-2 Announcement of Closed Session

a) Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Gregory Guy Tarvin Against City of Lodi Based on Personal Injury

b) Actual Litigation: Government Code §54956.9; One Application; Mark Verbitsky v. City of Lodi; WCAB Case No. ADJ17785253 - 03/25/11

C-3 Adjourn to Closed Session

At 6:30 p.m., Mayor Mounce adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:55 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) and C-2 (b) were discussion and direction only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of September 19, 2012, was called to order by Mayor Mounce at 7:00 p.m.

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

Absent: Council Member Hansen

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

B. Presentations

B-1 Presentation of Certificate of Appreciation to Roman Mangrich for His Efforts in Helping Keep the Sidewalks of Lodi Clean

Mayor Mounce presented a Certificate of Appreciation to Roman Mangrich for his efforts in helping keep the sidewalks around Lodi High School clean.

B-2 Firefighter Muscular Dystrophy Association Fill the Boot Fundraiser Proclamation (FD)

Mayor Mounce presented a proclamation to Fire Captain Michael Gold setting October 6, 2012, as the date for the Firefighter Muscular Dystrophy Association "Fill the Boot" fundraiser in the City of Lodi.

B-3 Introduction of New Salvation Army Captains Martin and Tory Ross

Lodi District Chamber of Commerce President/CEO, Pat Patrick, introduced Council and the citizens to the new Lodi Salvation Army Captains, Martin and Tory Ross, who will be serving Lodi and the surrounding community.

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

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

Noes: None

Absent: Council Member Hansen

C-1 Receive Register of Claims in the Amount of \$12,309,433.41 (FIN)

Claims were approved in the amount of \$12,309,433.41.

C-2 Approve Minutes (CLK)

Mayor Pro Tempore Nakanishi made a motion, second by Mayor Mounce, to approve the minutes of August 14, 2012 (Shirtsleeve Session), August 15, 2012 (Regular Meeting), August 21, 2012 (Shirtsleeve Session), August 21, 2012 (Special Meeting), August 28, 2012 (Shirtsleeve Session), September 4, 2012 (Shirtsleeve Session), and September 5, 2012 (Regular Meeting) as written and September 11, 2012 (Shirtsleeve Session) as amended.

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

Absent: Council Member Hansen

C-3 Accept Improvements Under Contract for 2011 GrapeLine Bus Stop Improvements Project (PW)

Accepted the improvements under contract for 2011 GrapeLine Bus Stop Improvements Project.

C-4 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-5 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement and Extensions with WGR Southwest, Inc., of Lodi, for Storm Drainage Permit Compliance Services (\$39,855) (PW)

Adopted Resolution No. 2012-144 authorizing the City Manager to execute professional services agreement and extensions with WGR Southwest, Inc., of Lodi, for storm drainage permit compliance services in the amount of \$39,855.

- C-6 Adopt Resolution Authorizing the City Manager to Execute Agreement with Lodi Unified School District for Purchase of Compressed Natural Gas at Municipal Service Center Fueling Station (PW)

Adopted Resolution No. 2012-145 authorizing the City Manager to execute agreement with Lodi Unified School District for purchase of compressed natural gas at Municipal Service Center fueling station.

- C-7 Adopt Resolution Authorizing the City Manager to Extend the Term of the Contract with Mike Keller Consulting, LLC for Transmission and Distribution Services and Appropriating Funds (\$35,500) (EUD)

Adopted Resolution No. 2012-146 authorizing the City Manager to extend the term of the contract with Mike Keller Consulting, LLC for transmission and distribution services and appropriating funds in the amount of \$35,500.

- C-8 Adopt Resolution Authorizing the City Manager to Execute Agreement and Approve Proposed Expenditure Program for Lodi's Share of the 2012 Edward Byrne Memorial Justice Assistance Grant (\$19,483) (PD)

Adopted Resolution No. 2012-147 authorizing the City Manager to execute agreement and approve proposed expenditure program for Lodi's share of the 2012 Edward Byrne Memorial Justice Assistance Grant in the amount of \$19,483.

- C-9 Authorize the City Manager to Amend the Rental Agreement Between the City of Lodi and P & K Fitness for Use of 125 North Stockton Street (CM)

Mayor Pro Tempore Nakanishi requested a listing of all spaces rented by the City and the corresponding square footage of each space.

Mayor Pro Tempore Nakanishi made a motion, second by Mayor Mounce, to authorize the City Manager to amend the rental agreement between the City of Lodi and P & K Fitness for use of 125 North Stockton Street.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Hansen

- C-10 Adopt Resolution Approving Art in Public Places Funding for Traffic Control Box Art Project and Appropriating Funds (\$500) (PRCS)

Adopted Resolution No. 2012-148 approving Art in Public Places funding for traffic control box art project and appropriating funds in the amount of \$500.

C-11 Adopt Resolution to Grant Designated Period for Two Years Additional Service Credit (CM)

Adopted Resolution No. 2012-149 to grant designated period for two years additional service credit.

C-12 Receive Report Regarding League of California Cities Communications Pertaining to Various Requests for Signature and Veto of Legislation (CLK)

Received report regarding League of California Cities communications pertaining to various requests for signature and veto of legislation.

C-13 Set Public Hearing for October 3, 2012, to Consider Adopting a Resolution Approving the Planning Commission's Recommendation for 2012 Growth Management Allocations to Permit and Construct 12 Residential Units at 2110 Tienda Drive (CD)

Set public hearing for October 3, 2012, to consider adopting a resolution approving the Planning Commission's recommendation for 2012 Growth Management Allocations to permit and construct 12 residential units at 2110 Tienda Drive.

C-14 Set Public Hearing for October 3, 2012, to Consider Introducing Ordinance Terminating Reynolds Ranch Development Agreement with San Joaquin Valley Land Company, LLC (CM)

Set public hearing for October 3, 2012, to consider introducing ordinance terminating Reynolds Ranch Development Agreement with San Joaquin Valley Land Company, LLC.

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.

Leon Kurtz spoke in regard to his traffic and pedestrian related concerns at the Lodi Avenue and Church Street intersection near McDonalds.

John Slaughterback spoke in regard to his concerns about reducing the sewer impact fees for developers and the potential impact it may have on increased sewer rates in the future for citizens. Mr. Slaughterback declined a meeting with the City Manager based on his inability to understand why the reduction would be allowed under any circumstance.

Donald Stunkhart spoke in regard to his concerns about the recent fire at the senior mobile home park and the surrounding dry land. Mr. Bartlam indicated the matter had been addressed with the landlord and property owner.

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

Council Member Johnson commended Kathy Grant and the other volunteers on the success of the annual Clean Up Lodi Lake event, invited citizens to the Handball Championship Tournament

on September 29, 2012, and reported on his attendance at the San Joaquin Delta College Board of Trustees meeting where the college presence in the City of Lodi was discussed.

Mayor Mounce reported on her attendance at the League of California Cities Annual Conference and provided an overview of each of the three resolutions that were passed at the conference in a continuing effort to protect local control for cities across the State of California.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Adopting Resolution Approving the 2011/12 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report; an Amendment of the 2012/13 Action Plan to Accommodate the Reallocation of Unused CDBG Funds; and Appropriating Funds (\$360,967.66) (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 adopting resolution approving the 2011/12 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER); an amendment of the 2012/13 Action Plan to accommodate the reallocation of unused CDBG funds; and appropriating funds in the amount of \$360,967.66.

City Manager Bartlam provided a brief PowerPoint presentation regarding the CDBG CAPER and an amendment to the Action Plan. Specific topics of discussion included project accomplishments, sources and uses for reallocation, the public hearing process, and recommended action.

In response to Council Member Johnson, Mr. Bartlam stated that, with the addition of the proposed funding, the LOEL Center project will be fully funded.

In response to Mayor Mounce, Public Works Director Wally Sandelin stated the bids for the Grape Bowl project are due on September 26, 2012, and he will advise as to whether Section 108 funding is still needed. Mr. Bartlam and Mr. Sandelin confirmed that the Van Buskirk playground project was completed with less money than originally estimated and the remaining funds must be used through reallocation prior to a set deadline.

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

Council Member Johnson made a motion, second by Council Member Katakian, to adopt Resolution No. 2012-150 approving the 2011/12 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report; an amendment of the 2012/13 Action Plan to accommodate the reallocation of unused CDBG funds; and appropriating funds in the amount of \$360,967.66.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Hansen

G-2 Public Hearing 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) NOTE: This item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31

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 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.

City Manager Bartlam provided a brief PowerPoint presentation regarding the Kristmont West rezoning application. Specific topics of discussion included consideration by the Planning Commission, location of the parcel, existing and proposed zoning map, General Plan map, and Planned Development 35.

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

Council Member Johnson made a motion, second by Council Member Katzakian, to introduce Ordinance No. 1863 approving 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.

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

Absent: Council Member Hansen

G-3 Public Hearing to Consider Adoption of Resolution Levying Annual (2013) Assessment for Downtown Lodi Business Improvement Area No. 1 and Confirming the Downtown Lodi Business Partnership 2012 Annual Report as Approved by Council on August 15, 2012 (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 adoption of resolution levying annual (2013) assessment for Downtown Lodi Business Improvement Area No. 1 and confirming the Downtown Lodi Business Partnership 2012 Annual Report as approved by Council on August 15, 2012.

Deputy City Manager Jordan Ayers provided a brief overview pertaining to the proposed resolution levying the annual assessment and confirming the annual report of the Downtown Lodi Business Partnership as approved with amendments by the City Council on August 15, 2012.

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

Mayor Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2012-151 levying annual (2013) assessment for Downtown Lodi Business Improvement Area No. 1 and confirming the Downtown Lodi Business Partnership 2012 Annual Report as approved by Council on August 15, 2012.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Hansen

H. Communications

H-1 Monthly Protocol Account Report (CLK)

Council Member Johnson made a motion, second by Council Member Katakian, to approve the cumulative Monthly Protocol Account Report through August 31, 2012.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Hansen

I. Regular Calendar

I-1 Introduce Ordinance Amending Lodi Municipal Code Title 5 - Permits and Regulations - Chapter 5.12 - Cardrooms - by Repealing and Reenacting Section 5.12.140, "Rules and Regulations," and Further Repealing and Reenacting Section 5.12.170, "Gross Revenue Permit Fees" (CA)

Deputy City Attorney Janice Magdich provided a brief overview of the proposed introduction of the ordinance pertaining to cardrooms and specifically discussed the proposed changes to the ordinance and approval from the Attorney General's office.

In response to Mayor Pro Tempore Nakanishi, Deputy City Manager Jordan Ayers provided an overview of the existing and projected fee structure as outlined in page two of the staff report.

In response to Mayor Mounce, Mr. Bartlam and Mr. Ayers confirmed that similar to last year, the current year budgeted amount of revenue from the cardroom will exceed the actual amount and that the projected and actual revenue amounts from last year were approximately \$321,000 projected and \$380,000 actual.

Stephen Snider, representing the Wine Country Cardroom, spoke in regard to the proposed ordinance for cardrooms. Mr. Snider specifically discussed the success of the cardroom since its inception including the lack of noise and crime-related complaints as originally anticipated, the number of jobs provided by the business, its overall good neighbor reputation, and the ongoing revenue opportunities provided by the business.

In response to Mayor Mounce, Mr. Snider stated the seating in the restaurant is expected to stay the same and they are in the design and planning stages with respect to the addition of two tables. Ms. Magdich confirmed approval by the Attorney General's office and stated staff will forward the original revenue estimation from the cardroom as requested.

In response to Council Member Johnson, Mr. Snider stated he is not aware of any sweeping legislative changes for cardrooms in the near future.

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

Council Member Johnson made a motion, second by Council Member Katzakian, to introduce Ordinance No. 1864 amending Lodi Municipal Code Title 5 - Permits and Regulations - Chapter 5.12 - Cardrooms - by repealing and reenacting Section 5.12.140, "Rules and Regulations," and further repealing and reenacting Section 5.12.170, "Gross Revenue Permit Fees."

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

Absent: Council Member Hansen

J. Ordinances

- J-1 Adopt Ordinance No. 1861 Entitled, "An Ordinance of the City Council of the City of Lodi Rescinding Development Agreement Pertaining to the Development of 257.76 Acres Located on the West Side of Lower Sacramento Road Between Highway 12-Kettleman Lane and Harney Lane (Southwest Gateway) (Development Agreement GM-05-001)" (CLK)

Council Member 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. 1861 entitled, "An Ordinance of the City Council of the City of Lodi Rescinding Development Agreement Pertaining to the Development of 257.76 Acres Located on the West Side of Lower Sacramento Road Between Highway 12-Kettleman Lane and Harney Lane (Southwest Gateway) (Development Agreement GM-05-001)," which was introduced at a regular meeting of the Lodi City Council held August 15, 2012.

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

Absent: Council Member Hansen

- J-2 Adopt Ordinance No. 1862 Entitled, "An Ordinance of the City Council of the City of Lodi Rescinding Development Agreement Pertaining to the Development of 151 Acres Located on the West Side of Lower Sacramento Road Between the Woodbridge Irrigation District Canal and Vine Street (Westside Project) (Development Agreement GM-05-002)" (CLK)

Council Member 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. 1862 entitled, "An Ordinance of the City Council of the City of Lodi Rescinding Development Agreement Pertaining to the Development of 151 Acres Located on the West Side of Lower Sacramento Road Between the Woodbridge Irrigation District Canal and Vine Street (Westside Project) (Development Agreement GM-05-002)," which was introduced at a regular meeting of the Lodi City Council held August 15, 2012.

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

Absent: Council Member Hansen

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at
8:20 p.m.

ATTEST:

Randi Johl
City Clerk