

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, OCTOBER 3, 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 October 3, 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 City Clerk Johl

B. Presentations

B-1 Domestic Violence Awareness Month Proclamation (CLK)

Mayor Mounce presented proclamation to Paula Grech, Program Director with the San Joaquin County Women's Center, Youth & Family Services, proclaiming the month of October 2012 as "Domestic Violence Awareness Month" in the City of Lodi.

B-2 Public Power Week Proclamation (EUD)

Mayor Mounce presented proclamation to Electric Utility Director Elizabeth Kirkley proclaiming the week of October 7-13, 2012, as "Public Power Week" in the City of Lodi.

B-3 Lodi Fire Department Pink October Breast Cancer Awareness Month Fundraiser Proclamation (FD)

Mayor Mounce presented proclamation to Fire Captain Brad Doell proclaiming the month of October 2012 as "Lodi Fire Department Pink October Breast Cancer Awareness Month" fundraiser in the City of Lodi.

B-4 Presentation of Proclamation Recognizing Outstanding Work of Public Works Wastewater Division Employees (PW)

Following introductory comments by Karen Honer, Wastewater Plant Superintendent, Mayor Mounce presented proclamations to the following Public Works Wastewater Division employees recognizing them for their outstanding commitment, ingenuity, and creativity and the service they provide to the City and its customers: Kelly Powers, Tom Gabriel, Rod Olson, Lloyd Roper, Curtis Ray, Ken Capitanich, Nathan Shropshire, Greg Caldwell, Bobby Burkland, and Nick Williams.

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 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 \$5,489,779.67 (FIN)**

Claims were approved in the amount of \$5,489,779.67.

**C-2 Approve Minutes (CLK)**

The minutes of September 18, 2012 (Shirtsleeve Session), September 19, 2012 (Regular Meeting), and September 25, 2012 (Shirtsleeve Session) were approved as written.

**C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for DeBenedetti Park Maintenance Yard Enclosure (PW)**

Approved the plans and specifications and authorized advertisement for bids for DeBenedetti Park maintenance yard enclosure.

**C-4 Approve Specifications and Authorize Advertisement for Bids for Directional Boring and Conduit Installation (EUD)**

Approved the specifications and authorized advertisement for bids for directional boring and conduit installation.

**C-5 Adopt Resolution Approving Purchase of Service Vehicle for Surface Water Treatment Plant Electrician from Sanborn Chevrolet, Inc., of Lodi, and Appropriating Funds (\$37,175) (PW)**

Adopted Resolution No. 2012-152 approving purchase of service vehicle for Surface Water Treatment Plant Electrician from Sanborn Chevrolet, Inc., of Lodi, and appropriating funds in the amount of \$37,175.

**C-6 Adopt Resolution Approving Purchase of Hach Water Information Management Solution Software for Water and Wastewater Data Management and Reporting from Hach Company, of Loveland, Colorado (\$34,795), and Supporting Hardware from CDW-G, of Vernon Hills, Illinois (\$3,950), and Dell (\$8,406) (PW)**

Adopted Resolution No. 2012-153 approving purchase of Hach Water Information Management Solution software for water and wastewater data management and reporting from Hach Company, of Loveland, Colorado, in the amount of \$34,795, and supporting hardware from CDW-G, of Vernon Hills, Illinois, in the amount of \$3,950, and Dell in the amount of \$8,406.

**C-7 Accept Improvements Under Contract for Grape Bowl Scoreboard Improvements (PW)**

Accepted the improvements under contract for Grape Bowl scoreboard improvements.

- C-8 Adopt Resolution Authorizing the City Manager to Execute Contract for the Lodi Transit Station and Parking Structure Security and Safety System Project with 3D Datacom, of Rancho Cordova (\$280,892), and Contract Change Order with Jacobs Engineering Group, Inc., of Sacramento, for Construction Services (\$15,000) (PW)

Adopted Resolution No. 2012-154 authorizing the City Manager to execute contract for the Lodi Transit Station and Parking Structure Security and Safety System Project with 3D Datacom, of Rancho Cordova, in the amount of \$280,892, and contract change order with Jacobs Engineering Group, Inc., of Sacramento, for construction services in the amount of \$15,000.

- C-9 Adopt Resolution Authorizing the City Manager to Execute Contract for Ham Lane and Harney Lane Traffic Signal and Lighting Project with Steiny and Company, Inc., of Vallejo (\$223,223) (PW)

Adopted Resolution No. 2012-155 authorizing the City Manager to execute contract for Ham Lane and Harney Lane Traffic Signal and Lighting Project with Steiny and Company, Inc., of Vallejo, in the amount of \$223,223.

- C-10 Adopt Resolution Authorizing the City Attorney to Execute Professional Services Agreement with NBS Government Finance Group, of Temecula, to Perform General Benefit Analysis of the City's Consolidated Landscape Maintenance District No. 2003-1 (\$16,224.85) (PW)

Adopted Resolution No. 2012-156 authorizing the City Attorney to execute Professional Services Agreement with NBS Government Finance Group, of Temecula, to perform general benefit analysis of the City's Consolidated Landscape Maintenance District No. 2003-1 in the amount of \$16,224.85.

- C-11 Adopt Resolution Authorizing the City Manager to Enter into a Professional Services Agreement for an Electric System Arc Flash Study with SAIC Energy, Environment & Infrastructure, LLC, of Hendersonville, Tennessee (\$45,700) (EUD)

Adopted Resolution No. 2012-157 authorizing the City Manager to enter into a Professional Services Agreement for an Electric System Arc Flash Study with SAIC Energy, Environment & Infrastructure, LLC, of Hendersonville, Tennessee, in the amount of \$45,700.

- C-12 Adopt Resolution Approving Expansion of the San Joaquin County Enterprise Zone Boundaries (CM)

Mayor Mounce pulled this item for further discussion.

In response to Mayor Mounce, Interim Parks, Recreation and Cultural Services Director Jeff Hood and City Manager Bartlam highlighted the changes in the Enterprise Zone with the expansion of approximately one square mile throughout the County and the overall benefits of enterprise zones.

In response to Mayor Pro Tempore Nakanishi, Mr. Bartlam stated the Enterprise Zone is geography based and does not cover the entire County, it is set up to assist those areas that most need job creation, and the State will need to approve the amendment.

Mayor Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2012-161 approving expansion of the San Joaquin County Enterprise Zone boundaries.

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-13 Adopt Resolution Appointing New Representatives to the Lodi Tourism Business Improvement District Advisory Board (CLK)

Adopted Resolution No. 2012-158 appointing new representatives to the Lodi Tourism Business Improvement District Advisory Board.

C-14 Adopt Resolution Approving Job Description, Salary Range, and Reclassification for the Position of Metering Technician (CM)

Adopted Resolution No. 2012-159 approving job description, salary range, and reclassification for the position of Metering Technician.

C-15 Adopt Resolution Approving Year 2012 Amendments to Conflict of Interest Code (Government Code Section 87306.5) (CA)

Adopted Resolution No. 2012-160 approving Year 2012 amendments to Conflict of Interest Code (Government Code Section 87306.5).

C-16 Set Public Hearing for October 17, 2012, to Consider Adopting Resolution Setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2013 (CD)

Mayor Pro Tempore Nakanishi pulled this item for further discussion.

In response to Mayor Pro Tempore Nakanishi, Mr. Bartlam provided an overview of the program, stating it was adopted by the cities and the County in 2001 and serves as a one-stop shop for the development community to understand its responsibility to protect endangered species.

Mayor Pro Tempore Nakanishi made a motion, second by Council Member Katzakian, to set the public hearing for October 17, 2012, to consider adopting resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fees for 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

D. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future

City Council agenda.

None.

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

Council Member Johnson commended those involved with the success of the handball tournament held in the City last weekend.

Council Member Hansen reported on his attendance at the Northern California Power Agency meetings and annual conference and specifically discussed the grant for the maritime highway and the project status, the status of the Highway 12 improvements, cap and trade, and a meeting with legislative analysts in an effort to reduce the burdensome reporting requirements.

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

City Manager Bartlam reported that Tyler Sandelin and Aaron Hood are resting comfortably at home and recovering successfully.

G. Public Hearings

G-1 Public Hearing 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)

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 a resolution approving the Planning Commission's recommendation for 2012 Growth Management Allocations to permit and construct 12 residential units at 2110 Tienda Drive.

City Manager Bartlam provided a brief PowerPoint presentation regarding a growth management allocation application regarding 2110 Tienda Drive. Specific topics of discussion included project description, location, General Plan requirements, growth management allocation ordinance, allocation process, Planning Commission action, and allocation conditions.

In response to Mayor Mounce, Mr. Bartlam confirmed that the 2% self-imposed growth limit can be banked and used collectively in the future.

In response to Council Member Hansen, Mr. Bartlam stated he recalls two years where the City came close to the 2% growth amount, on average the City has grown less than 1% annually, and over the last five years has grown less than three quarters of a percent. Mr. Bartlam stated the program is primarily market driven, the City Council has discretion to regulate the pace of growth through the number of allocations, and the plan and design would still need to go back to the Planning Commission and Site Plan and Architectural Review Committee (SPARC).

In response to Council Member Katzakian, Mr. Bartlam provided an overview of the three different density levels, stating low density is approximately 7 units or less per acre, medium density is 7 to 20 units, and high density is generally high stacked flats such as apartment buildings.

In response to Council Member Johnson, Mr. Bartlam stated the City Council does have discretion to authorize less than 12 allocations, although the City has an excess of allocations and the burden will be on the developer to demonstrate that he can effectively design and build the allocated amount. Mr. Bartlam stated a future SPARC or Planning Commission decision

would be appealable to the City Council.

In response to Council Member Hansen, Mr. Bartlam stated the Vintage retirement complex is an example of a high-density project.

In response to Council Member Katzakian, Mr. Bartlam confirmed that the City does not need to meet certain requirements with respect to the number of low-, medium-, and high-density projects it constructs.

Mayor Mounce opened the public hearing.

John Giannoni spoke in favor of the proposed allocation of 12 units, stating the project will benefit the community through job creation and tax revenue. Mr. Giannoni also provided an overview of other projects he has successfully constructed in the City.

City Clerk Johl stated for the record that prior to the start of the meeting she received a petition in opposition to the proposed allocation from the Sunwest Community that appears to be signed by approximately 38 individuals.

Bill Griffiths spoke in regard to his concerns regarding limited growth in the future and the slow speed of recovery and development he sees in the future.

Lloyd Carger spoke in opposition to the proposed allocation based on the concerns submitted in the petition from the Sunwest Community referenced above.

In response to John Slaughterback, Mr. Bartlam provided a brief overview of the impact fee program, the General Plan, and the future obligation of developers to construct improvements as it relates to the proposed allocation and potential project.

Mayor Mounce closed the public hearing after receiving no additional comments.

Mayor Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2012-162 approving the Planning Commission's recommendation for 2012 Growth Management Allocations to permit and construct nine residential units at 2110 Tienda Drive.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Hansen, and Council Member Katzakian

Absent: None

G-2 Public Hearing to Consider Introducing Ordinance Terminating Reynolds Ranch Development Agreement with San Joaquin Valley Land Company, LLC (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 introducing ordinance terminating Reynolds Ranch Development Agreement with San Joaquin Valley Land Company, LLC.

City Manager Bartlam provided a brief presentation regarding the proposed termination of the Reynolds Ranch Development Agreement as set forth in the staff report and related blue sheets.

In response to Mayor Mounce, Mr. Bartlam stated the parcel of land to be dedicated for the fire station construction is located east of Stockton Street and south of Harney Lane. Mr. Bartlam

stated the dedication of the property will occur upon the filing of a parcel map, the proposed agreement does not have an expiration date and will stay in place into perpetuity or until a future City Council decides otherwise, and any future residential development will have to meet park requirements under the new impact fee program whereby the developer will need to construct the park directly.

Mayor Mounce opened the public hearing.

In response to Mayor Mounce, Dale Gillespie, representing Reynolds Ranch, stated he and his business partners have rehabilitated various properties in the City including Sienna Court at a cost of \$780,000 and two other properties at a cost of \$545,000 and \$915,000, respectively. Mr. Gillespie stated he continues to look for opportunities in the City to rehabilitate other properties.

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

In response to Council Member Hansen, Mr. Bartlam stated, notwithstanding the proposed termination of the Reynolds Ranch Development Agreement, community facilities districts would remain in place for future development.

Mayor Pro Tempore Nakanishi made a motion, second by Council Member Hansen, to introduce Ordinance No. 1865 terminating Reynolds Ranch Development Agreement with San Joaquin Valley Land Company, LLC.

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 Appointment to the Lodi Arts Commission and Re-Post for Remaining Vacancy on Lodi Arts Commission (CLK)

Mayor Mounce made a motion, second by Council Member Johnson, to make the following appointment and to further direct the City Clerk to re-post for the remaining vacancy on Lodi Arts Commission as follows:

APPOINTMENT:

Lodi Arts Commission

Nancy Ahlberg Mellor, Term to expire July 1, 2015

POSTING:

Lodi Arts Commission

One Vacancy (Turrentine), Term to expire July 1, 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

I. Regular Calendar - None

J. Ordinances

- J-1 Adopt Ordinance No. 1863 Entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning the Parcel Located at 515 South Lower Sacramento Road (APN 027-400-09) Planned Development 35 (PD-35) from R-1, C-S, and R-C-P" (CLK)

Mayor Mounce made a motion, second by Council Member Hansen, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1863 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning the Parcel Located at 515 South Lower Sacramento Road (APN 027-400-09) Planned Development 35 (PD-35) from R-1, C-S, and R-C-P," which was introduced at a regular meeting of the Lodi City Council held September 19, 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

- J-2 Adopt Ordinance No. 1864 Entitled, "An Ordinance of the Lodi City Council Amending Chapter 5.12 - Cardrooms - by Repealing and Reenacting Sections 5.12.140, 'Rules and Regulations,' and 5.12.170, 'Gross Revenue Permit Fees,' in Their Entirety" (CLK)

Mayor Mounce made a motion, second by Council Member Hansen, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1864 entitled, "An Ordinance of the Lodi City Council Amending Chapter 5.12 - Cardrooms - by Repealing and Reenacting Sections 5.12.140, 'Rules and Regulations,' and 5.12.170, 'Gross Revenue Permit Fees,' in Their Entirety," which was introduced at a regular meeting of the Lodi City Council held September 19, 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

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:00 p.m.

ATTEST:

Randi Johl  
City Clerk