

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 17, 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 17, 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 Ralph Lea History Day Proclamation (CLK)

Mayor Mounce presented proclamation to Ralph Lea proclaiming Wednesday, October 17, 2012, as "Ralph Lea History Day" in the City of Lodi.

- B-2 Presentation by League of California Cities Representative Stephen Qualls to Mayor Mounce (CLK)

To recognize Mayor Mounce for her service with the League of California Cities as President, Vice President, and State Director for the Central Valley Division, League representative Stephen Qualls presented the Mayor with a plaque.

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 \$5,848,480.27 (FIN)

Claims were approved in the amount of \$5,848,480.27.

C-2 Approve Minutes (CLK)

The minutes of October 2, 2012 (Shirtsleeve Session), October 3, 2012 (Regular Meeting), and October 9, 2012 (Shirtsleeve Session) were approved as written.

C-3 Report of Sale of Surplus Equipment (PW)

Received the report of sale of surplus equipment.

C-4 Adopt Resolution Approving the Purchase of Safety Equipment Turnout Gear to Fisher Scientific, of Suwanee, Georgia (\$25,280.56) (FD)

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

In response to Council Member Johnson, Battalion Chief Jeff Larson stated turnout gear is repaired, maintained, and tested by a local business in town so that they can ensure maximum usage of the gear.

Council Member Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2012-166 approving the purchase of safety equipment turnout gear to Fisher Scientific, of Suwanee, Georgia, in the amount of \$25,280.56.

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-5 Adopt Resolution Authorizing the City Manager to Execute a Contract for the Phase 3 Grape Bowl Improvement Project with Diede Construction, Inc., of Woodbridge (\$1,327,000), and Professional Services Agreement for Grape Bowl Lighting Improvements with Musco Lighting, of Oskaloosa, Iowa (\$42,693), and to Approve an Inter-Fund Loan Agreement (\$675,000) and Appropriating Funds (\$1,364,032) (PW)

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

In response to Council Member Johnson, City Manager Bartlam stated there may be a slight possibility of utilizing electric utility funds for the Grape Bowl lighting project based on qualifying criteria and staff is looking into the option.

Council Member Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2012-167 authorizing the City Manager to execute a contract for the Phase 3 Grape Bowl Improvement Project with Diede Construction, Inc., of Woodbridge, in the amount of \$1,327,000, and professional services agreement for Grape Bowl Lighting Improvements with Musco Lighting, of Oskaloosa, Iowa, in the amount of \$42,693, and to approve an inter-fund loan agreement in the amount of \$675,000 and appropriating funds in the amount of \$1,364,032.

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 Adopt Resolution Authorizing the City Manager to Execute the Direct Payment Program Agreement with the State of California Department of Community Services and Development for the Term of July 1, 2012 through September 30, 2014 (CM)

Adopted Resolution No. 2012-163 authorizing the City Manager to execute the Direct Payment Program Agreement with the State of California Department of Community Services and Development for the term of July 1, 2012 through September 30, 2014.

- C-7 Accept Improvements Under Contract for City of Lodi Facility Painting Project (PW)

Accepted improvements under contract for City of Lodi Facility Painting Project.

- C-8 Adopt Resolution Approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2011/12 (PW)

Adopted Resolution No. 2012-164 approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2011/12.

- C-9 Adopt Resolution Approving Benefit Modifications for Council Members (CM)

Adopted Resolution No. 2012-165 approving benefit modifications for Council Members.

- C-10 Receive Update Regarding Energy Storage Systems as Defined Under State Law (EUD)

Received update regarding energy storage systems as defined under State law.

- C-11 Adopt Resolution Supporting the San Joaquin Superior Court's Request for Additional Funding from the Judicial Council (CM)

Mayor Pro Tempore Nakanishi pulled this item to request Judicial Council funding information from previous years.

Mayor Pro Tempore Nakanishi made a motion, second by Council Member Katzakian, to adopt Resolution No. 2012-168 supporting the San Joaquin Superior Court's request for additional funding from the Judicial 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

- C-12 Set Public Hearing for November 7, 2012, to Consider Energy Efficiency Retrofit Project for Electric Utility Department (EUD)

This item was pulled by staff for consideration at a future meeting.

- C-13 Set Public Hearing for November 21, 2012, to Consider Unmet Transit Needs in Lodi (PW)

Set public hearing for November 21, 2012, to consider unmet transit needs in Lodi.

- D. Comments by the Public on Non-Agenda Items

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

John Slaughterback spoke in support of Mayor Mounce and Council Member Johnson being reelected to the Lodi City Council.

Tim Oregel spoke in opposition to Proposition 32 on behalf of the Lodi Professional Firefighters and encouraged others to do the same.

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

Mayor Mounce reported on her attendance at the League of California Cities meeting, stating that the League is not taking a position with respect to Propositions 30, 31, and 32.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Adoption of Resolution Amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2013 (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 adoption of resolution amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fees for 2013.

City Manager Bartlam provided a brief overview of the proposed resolution amending the 2013 fees for the Multi-Species Habitat Conservation and Open Space Plan as set forth in the Council Communication.

In response to Mayor Pro Tempore Nakanishi, Council Member Hansen briefly reviewed the supporting position of the fee reduction by the San Joaquin Council of Governments.

In response to Council Member Johnson, Mr. Bartlam stated the 11.5% reduction represents the property value, assessment enhancement, and administrative overhead components and the decrease primarily relates to property value decline.

In response to Council Member Katzakian, Mr. Bartlam stated the fees are reviewed annually.

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

Mayor Pro Tempore Nakanishi made a motion, second by Council Member Hansen, to adopt Resolution No. 2012-169 amending 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

H. Communications

H-1 Post for Expiring Terms on the Lodi Animal Advisory Commission, Lodi Senior Citizens Commission, Recreation Commission, and the San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee (CLK)

Council Member Johnson made a motion, second by Council Member Katzakian, to direct the City Clerk to post for the following expiring terms:

Lodi Animal Advisory Commission

Hayim "Hy" Cohen, term to expire December 31, 2012

Phillip N. Laughlin, term to expire December 31, 2012

Lodi Senior Citizens Commission

Mark Sey, term to expire December 31, 2012

Suzanne Schultz, term to expire December 31, 2012

Recreation Commission

David Akin, term to expire December 31, 2012

Larry Long, term to expire December 31, 2012

San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee

Randall S. Blank, term to expire January 31, 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. 1865 Entitled, "An Ordinance of the City Council of the City of Lodi Partially Rescinding and Amending Development Agreement Pertaining to the Development of 220 Acres Located on the South Side of Harney Lane Between State Highway 99 and the Union Pacific Railroad to the West (Reynolds Ranch) (Development Agreement 06-GM-01)" (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. 1865 entitled, "An Ordinance of the City Council of the City of Lodi Partially Rescinding and Amending Development Agreement Pertaining to the Development of 220 Acres Located on the South Side of Harney Lane Between State Highway 99 and the Union Pacific Railroad to the West (Reynolds Ranch) (Development Agreement 06-GM-01)," which was introduced at a regular meeting of the

Lodi City Council held October 3, 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 7:35 p.m.

ATTEST:

Randi Johl
City Clerk