

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, FEBRUARY 6, 2013**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of February 6, 2013, was called to order by Mayor Nakanishi at 6:00 p.m.

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

Absent: None

Also Present: City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

C-2 Announcement of Closed Session

a) Actual litigation: Government Code §54956.9; One Application; Paul Blandford v. City of Lodi; WCAB Case No. ADJ8055791 - 10/05/11

b) Conference with Dean Gualco, Human Resources Manager, and Rad Bartlam, City Manager (Labor Negotiators), Regarding Unrepresented Executive Management Electric Utility Director, Lodi City Mid-Management Association, AFSCME General Services, and International Brotherhood of Electrical Workers Regarding Electric Utility Pay and Benefits Pursuant to Government Code §54957.6

C-3 Adjourn to Closed Session

At 6:00 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:50 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Nakanishi reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

Items C-02 (a) and C-02 (b) were discussion and direction only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of February 6, 2013, was called to order by Mayor Nakanishi at 7:00 p.m.

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

Absent: None

Also Present: City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

B. Presentations

B-1 Presentation of California Water Environment Association Awards for 2012 Plant of the Year and 2012 Collection System of the Year (PW)

Jacelyn Renwyck, president of the North San Joaquin County California Water Environment

Association (NSJCWEA), and Allen Grayson, past president of NSJCWEA, presented the awards for 2012 Plant of the Year and 2012 Collection System of the Year to Mayor Nakanishi.

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

Council Member Mounce made a motion, second by Council Member Johnson, to approve the following items hereinafter set forth 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 Mounce, Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$10,677,566.84 (FIN)

Claims were approved in the amount of \$10,677,566.84.

C-2 Approve Minutes (CLK)

The minutes of January 15, 2013 (Shirtsleeve Session), January 16, 2013 (Regular Meeting), January 22, 2013 (Shirtsleeve Session), and January 29, 2013 (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 Accept the Quarterly Investment Report as Required by the City of Lodi Investment Policy (CM)

Accepted the quarterly investment report as required by the City of Lodi Investment Policy.

C-5 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-6 Accept Improvements Under Contract for Water Meter Program Phase 2 and Adopt Resolution Appropriating Funds (\$850,000) (PW)

Accepted the improvements under contract for Water Meter Program Phase 2 and adopted Resolution No. 2013-06 appropriating funds in the amount of \$850,000.

C-7 Adopt Resolution Authorizing the City Manager to Execute Purchase Order and Amendment No. 1 to Professional Services Agreement with National Meter and Automation, Inc., of Santa Rosa, for Purchase of Meter Assemblies and Field Documentation (\$1,800,000) (PW)

Adopted Resolution No. 2013-07 authorizing the City Manager to execute purchase order and Amendment No. 1 to Professional Services Agreement with National Meter and Automation, Inc., of Santa Rosa, for purchase of meter assemblies and field documentation in the amount of \$1,800,000.

- C-8 Adopt Resolution Authorizing the City Manager to Execute Contract for Zupo Field Outfield Wall Renovation Project with Golden Bay Fence, Inc., of Stockton (\$23,120.94), and Appropriating Funds (\$25,000) (PW)

Adopted Resolution No. 2013-08 authorizing the City Manager to execute contract for Zupo Field Outfield Wall Renovation Project with Golden Bay Fence, Inc., of Stockton, in the amount of \$23,120.94, and appropriating funds in the amount of \$25,000.

- C-9 Adopt Resolution Approving Amendment No. 1 to Amended and Restated Project Agreement No. 5 Between and Among the Transmission Agency of Northern California and its Participating Members and Authorizing Execution by the City Manager (EUD)

Adopted Resolution No. 2013-09 approving Amendment No. 1 to Amended and Restated Project Agreement No. 5 between and among the Transmission Agency of Northern California and its participating members and authorizing execution by the City Manager.

- C-10 Authorize the City Manager to Execute an Assignment for City of Lodi and Delirium Fitness, LLC for Use of 125 North Stockton Street (CM)

Authorized the City Manager to execute an Assignment for City of Lodi and Delirium Fitness, LLC for use of 125 North Stockton Street.

- C-11 Adopt Resolution of Intent to Vacate the 200 Block of West Walnut Street Between Church Street and Pleasant Avenue and Set Public Hearing for February 20, 2013 (PW)

Adopted Resolution No. 2013-10 of intent to vacate the 200 Block of West Walnut Street between Church Street and Pleasant Avenue and set public hearing for March 6, 2013.

- 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. Public comment may only be made on matters within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3I). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

None.

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

Council Member Johnson suggested that a public open house be scheduled in the spring for the new Lodi Energy Center and the wastewater treatment plant.

Mayor Nakanishi asked the City Manager to provide an overview of the Camp Hutchins closure for the benefit of the public. City Manager Bartlam stated that the City Council recently made a decision to start recuperating costs for the Camp Hutchins space, which is currently leased to Lodi Health for \$1 per year. Mr. Bartlam explained that a specific dollar amount was not discussed with the hospital. He stated the hospital chose to close Camp Hutchins rather than pay more than \$1 per year rent and it is a decision by the hospital that must be respected by the City.

Council Member Mounce wished her mother, who is a regular attendee at City Council meetings,

a Happy Birthday.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider the Certification of the Final Negative Declaration and Adoption of the Lodi Land Use Development Code and Draft Zoning Map (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 Nakanishi called for the public hearing to consider the certification of the Final Negative Declaration and adoption of the Lodi Land Use Development Code and Draft Zoning Map.

City Manager Bartlam provided a PowerPoint presentation regarding the Development Code update. Specific topics of discussion included background information, process for updates, Planning Commission consideration, zoning basics, importance of zoning, zoning regulations, goals of update, document organization, major key changes, new zoning district and allowable uses, consolidation of zoning district, zoning map, and recommended actions.

In response to Council Member Mounce, Mr. Bartlam stated the zoning map overlays the General Plan map although not all districts will have the same name.

In response to Council Member Mounce, Mr. Bartlam stated the small area near Lockeford Street is zoned medium density pursuant to the General Plan. Mr. Bartlam stated notwithstanding the medium-density designation, the property will still need to meet all other Development Code requirements, including parking, if and when it develops in the future.

In response to Mayor Nakanishi, Mr. Bartlam stated that, while the General Plan could be changed, the current General Plan and proposed Development Code take into account not only the development that has already occurred but also what should occur in the future.

In response to Council Member Mounce, Mr. Bartlam stated there were no highly debated items in the Planning Commission meetings and comments were received from builders regarding set backs and property owners regarding development under the new zoning designations. Mr. Bartlam stated most comments received were positive and no items were thrown out from consideration as a result of public comment.

In response to Council Member Hansen, Mr. Bartlam stated the two-year time limit for permits is an existing standard to allow flexibility for the approval process.

In response to Council Member Hansen, Mr. Bartlam stated grandfathered legal non-conforming uses can be dealt with utilizing some flexibility in that staff can work with the owner to determine how the use can be made legal today.

In response to Council Member Hansen, Mr. Bartlam confirmed that all violations of the Development Code are infractions to be handled by the City Attorney's office. City Attorney Schwabauer stated his office averages five to ten code violation cases per year.

In response to Council Member Mounce, Mr. Bartlam stated there is no dollar threshold by which property violations are considered. Mr. Bartlam stated Building Code violations are only enforced and not written by the City, unlike the Development Code which is both written and enforced by

the City.

In response to Council Member Johnson, Mr. Bartlam stated the Development Code is a living document, which changes regularly due to annual state law changes and will need to be updated from time to time although a wholesale review will likely not happen for many years.

In response to Mayor Nakanishi, Mr. Bartlam stated it is necessary to adopt the newly proposed Development Code because the current version is archaic and leads to various interpretations at the discretion of staff. Mr. Bartlam stated the new code will not increase enforcement per se.

In response to Council Member Mounce, Mr. Bartlam stated the new programmable electric sign section permits said signs under limited situations with Planning Commission review and approval and limits their size.

Mayor Nakanishi opened the public hearing to receive public comment.

In response to Roy Bitz, Mr. Bartlam stated that health and safety is the foundation of why the City of Lodi has a Development Code.

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

Council Member Hansen made a motion, second by Mayor Pro Tempore Katzakian, to adopt Resolution No. 2013-11 certifying the Final Negative Declaration as adequate environmental documentation for the Lodi Land Use Development Code and Zoning Map and to introduce Ordinance No. 1869 repealing Lodi Municipal Code Title 16 - Subdivisions - in its entirety; and further repealing and reenacting Lodi Municipal Code Title 17 - Zoning - in its entirety.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H. Communications

H-1 Appointments to Lodi Animal Advisory Commission and Senior Citizens Commission (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, to make the following appointments:

Lodi Animal Advisory Commission

Hayim "Hy" Cohen, term to expire December 31, 2015

Phillip Laughlin, term to expire December 31, 2015

Senior Citizens Commission

Robert Anderson, term to expire December 31, 2016

Mark Sey, term to expire December 31, 2016

VOTE:

The above motion carried by the following vote:

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

Noes: None  
Absent: None

H-2 Post for One Expiring Term on the Lodi Improvement Committee and One Vacancy on Lodi Arts Commission (CLK)

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

Lodi Improvement Committee  
Sunil L. Yadav, term to expire March 1, 2013

Lodi Arts Commission  
Lina Preszler, term to expire July 1, 2014

VOTE:

The above motion carried by the following vote:

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

Noes: None  
Absent: None

H-3 Confirm Annual Appointment of City Council Members on Various Boards, Committees, and Commissions (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, to confirm the annual appointment of City Council Members on various boards, committees, and commissions.

VOTE:

The above motion carried by the following vote:

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

Noes: None  
Absent: None

H-4 Receive Biennial Report Regarding AB1234 Mandatory Ethics Training (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, to accept the biennial report regarding AB1234 Mandatory Ethics Training.

VOTE:

The above motion carried by the following vote:

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

Noes: None  
Absent: None

I. Regular Calendar

I-1 Introduce Ordinance Amending Lodi Municipal Code Chapter 13.08 - Water Services - by Repealing and Reenacting Section 13.08.130, "Oversized Mains"; Amending Chapter 13.12 - Sewer Service - by Repealing and Reenacting Section 13.12.180, "Domestic System Service Charges"; Adding Section 13.12.181, "Domestic Sewer Service Charges (Metered Accounts)"; and Repealing and Reenacting Section 13.12.190, "Domestic

System Capacity or Impact Fees"; Repealing and Reenacting Section 13.12.370, "Reimbursement - Oversize Mains"; Repealing and Reenacting Chapter 15.64 - Development Impact Mitigation Fees - in its Entirety; Amending Chapter 16.24 - Improvements - by Repealing and Reenacting Section 16.24.040, "Streets"; and Further Amending Chapter 16.40 - Reimbursements for Construction - by Repealing and Reenacting Sections 16.40.010, "Findings and Purpose," and 16.40.020, "Improvements to be Reimbursed" (PW)

Public Works Director Wally Sandelin provided a brief PowerPoint presentation regarding the impact mitigation fee program and specifically discussed the proposed amendments to be made to Lodi's Municipal Code based on previous City Council direction.

In response to Council Member Mounce, Mr. Sandelin confirmed that the amendments were primarily made to jump start development for a short time frame.

Council Member Johnson made a motion, second by Council Member Hansen, to introduce Ordinance No. 1870 amending Lodi Municipal Code Chapter 13.08 - Water Services - by repealing and reenacting Section 13.08.130, "Oversized Mains"; amending Chapter 13.12 - Sewer Service - by repealing and reenacting Section 13.12.180, "Domestic System Service Charges"; adding Section 13.12.181, "Domestic Sewer Service Charges (Metered Accounts)"; and repealing and reenacting Section 13.12.190, "Domestic System Capacity or Impact Fees"; repealing and reenacting Section 13.12.370, "Reimbursement - Oversize Mains"; repealing and reenacting Chapter 15.64 - Development Impact Mitigation Fees - in its entirety; amending Chapter 16.24 - Improvements - by repealing and reenacting Section 16.24.040, "Streets"; and further amending Chapter 16.40 - Reimbursements for Construction - by repealing and reenacting Sections 16.40.010, "Findings and Purpose," and 16.40.020, "Improvements to be Reimbursed."

VOTE:

The above motion carried by the following vote:

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

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 8:05 p.m.

ATTEST:

Randi Johl  
City Clerk