

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

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of March 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) Prospective Revisions to Lease of City Property (10± Acres Adjacent to White Slough Water Pollution Control Facility, Located at 12745 North Thornton Road, Lodi, CA); the Negotiating Parties are Northern California Power Agency and City of Lodi; Government Code §54956.8

b) Exposure to Litigation; Roger and Melinda Harbin v. City of Lodi; Government Code Section 54956.9(b)

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 6:30 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-2 (a) and C-2 (b) were discussion and direction only.

A. Call to Order / Roll Call

The Regular City Council meeting of March 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 Arbor Day Proclamation (PRCS)

Mayor Nakanishi presented a proclamation to Park Superintendent, Steve Dutra, proclaiming Saturday, April 6 as "Arbor Day" in the City of Lodi. This year's event will be held from 11 a.m. to 2 p.m. at Roget Park, 2229 Tienda Drive.

B-2 American Red Cross Month Proclamation (CLK)

Mayor Nakanishi presented a proclamation to Liza Cruz, San Joaquin Regional Manager of the American Red Cross, proclaiming the month of March 2013 as "American Red Cross Month" in the City of Lodi.

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

Council Member Mounce made a motion, second by Mayor Pro Tempore 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 Mounce, Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$1,507,235.78 (FIN)

Claims were approved in the amount of \$1,507,235.78.

C-2 Approve Minutes (CLK)

The minutes of February 19, 2013 (Shirtsleeve Session), February 20, 2013 (Regular Meeting), and February 26, 2013 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Reynolds Ranch Parkway Median Improvements (PW)

Approved the plans and specifications and authorized advertisement for bids for Reynolds Ranch parkway median improvements.

C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for DeBenedetti Park ADA Access Improvement Project (PW)

Approved the plans and specifications and authorized advertisement for bids for DeBenedetti Park ADA Access Improvement Project.

C-5 Approve Plans and Specifications and Authorize Advertisement for Bids for ADA Improvement Project - Phase 2, Lodi Softball Complex and Salas Park (PW)

Approved the plans and specifications and authorized advertisement for bids for ADA Improvement Project - Phase 2, Lodi Softball Complex and Salas Park.

C-6 Approve Plans and Specifications and Authorize Advertisement for Bids for Hale Park Sports Court Resurfacing Project, 209 East Locust Street (PW)

Approved the plans and specifications and authorized advertisement for bids for Hale Park Sports Court Resurfacing Project, 209 East Locust Street.

C-7 Approve Plans and Specifications and Authorize Advertisement for Bids for the Hutchins

Street Square Pool Refinishing Project (PW)

At the request of Mayor Nakanishi, City Manager Bartlam provided a brief status report regarding the pool renovations at Hutchins Street Square as set forth in the staff report.

In response to Council Member Mounce, Mr. Bartlam stated the fully-funded project will likely be completed in mid-May and the cost is approximately \$65,000. Mr. Bartlam stated the project could be brought back at a special meeting if need be for the contract award.

Council Member Mounce made a motion, second by Mayor Nakanishi, to approve the plans and specifications and authorize advertisement for bids for the Hutchins Street Square Pool Refinishing Project.

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-8 Approve Plans and Specifications and Authorize Advertisement for Bids for Fire Station No. 2 Site Improvement Project and Adopt Resolution Authorizing the City Manager to Execute Lease Agreement with Design Space Modular Buildings, Inc., of Dixon (\$90,876) (PW)

At the request of Mayor Nakanishi, City Manager Bartlam provided a brief status report regarding the Fire Station No. 2 renovation project.

In response to Council Member Hansen, Mr. Bartlam stated the project time line for design and build is approximately 18 to 24 months, which includes reviewing qualifications of designers who have already built other fire stations.

In response to Council Member Johnson, Mr. Bartlam stated he will research options associated with modular fire stations as suggested.

Council Member Mounce made a motion, second by Mayor Nakanishi, to approve the plans and specifications and authorize advertisement for bids for Fire Station No. 2 Site Improvement Project and adopt Resolution No. 2013-32 authorizing the City Manager to execute lease agreement with Design Space Modular Buildings, Inc., of Dixon, in the amount of \$90,876.

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-9 Approve Specifications and Authorize Advertisement for Bids for Janitorial Services for City Facilities (PW)

Approved the specifications and authorized advertisement for bids for janitorial services for City facilities.

C-10 Adopt Resolution Approving the Purchase of Polemount Transformers from HEES

Enterprises, Inc., of Astoria, Oregon, and Power Partners, of Concord (\$43,809.12) (EUD)

Adopted Resolution No. 2013-25 approving the purchase of polemount transformers from HEES Enterprises, Inc., of Astoria, Oregon, and Power Partners, of Concord, in the amount of \$43,809.12.

C-11 Adopt Resolution Approving the Purchase of Five Apple iPad Tablets and Related Accessories for City Council (\$5,000) (CLK)

Adopted Resolution No. 2013-26 approving the purchase of five Apple iPad tablets and related accessories for City Council in the amount of \$5,000.

C-12 Accept Improvements Under Contract for Surface Water Treatment Facility Project (PW)

Accepted the improvements under contract for Surface Water Treatment Facility Project.

C-13 Adopt Resolution Authorizing the City Manager to Execute Contract for Mills Avenue Overlay Project with Knife River Construction, of Stockton (\$352,333.50) (PW)

Adopted Resolution No. 2013-27 authorizing the City Manager to execute contract for Mills Avenue Overlay Project with Knife River Construction, of Stockton, in the amount of \$352,333.50.

C-14 Adopt Resolution Authorizing the City Manager to Execute Contract for DeBenedetti Park Maintenance Yard Enclosure with Soracco & Sons, of Sutter Creek (\$188,091.11), and Appropriating Funds (\$210,000) (PW)

Adopted Resolution No. 2013-28 authorizing the City Manager to execute contract for DeBenedetti Park maintenance yard enclosure with Soracco & Sons, of Sutter Creek, in the amount of \$188,091.11, and appropriating funds in the amount of \$210,000.

C-15 Adopt Resolution Approving the Annual Shared Automation Fee Structure for the Agreement Between the City of Stockton and Sirsi, Corp., Integrated Library System and Approving Cost Sharing Fee for the 2012/13 Budget Year (\$28,250.31) (LIB)

Adopted Resolution No. 2013-29 approving the annual shared automation fee structure for the agreement between the City of Stockton and Sirsi, Corp., Integrated Library System and approving cost sharing fee for the 2012/13 budget year in the amount of \$28,250.31.

C-16 Approve Second Amended and Restated Ground Lease with Northern California Power Agency for Lodi Energy Center and Terminating the Agreement to Supply Recycled Water (CA)

Approved the Second Amended and Restated Ground Lease with Northern California Power Agency for Lodi Energy Center and terminating the agreement to supply recycled water.

C-17 Adopt Resolution Approving Submittal of Grant Documents to California Emergency Management Agency Homeland Security and Authorizing Transportation Manager to Submit All Necessary Paperwork and Reimbursement Requests (PW)

Adopted Resolution No. 2013-30 approving submittal of grant documents to California Emergency Management Agency Homeland Security and authorizing Transportation Manager to submit all necessary paperwork and reimbursement requests.

C-18 Adopt Resolution Authorizing Destruction of Certain Citywide Records in Accordance with

the Government Code and the City's Records Management Policy (CLK)

Adopted Resolution No. 2013-31 authorizing destruction of certain Citywide records in accordance with the Government Code and the City's Records Management Policy.

C-19 Set Public Hearing for March 20, 2013, to Approve Draft 2013/14 Action Plan for the Community Development Block Grant Program (CD)

Set public hearing for March 20, 2013, to approve Draft 2013/14 Action Plan for the Community Development Block Grant Program.

C-20 Set Public Hearing for March 20, 2013, to Consider Extending the Economic Development Rates (EUD)

Set public hearing for March 20, 2013, to consider extending the economic development rates.

C-21 Set Public Hearing for March 20, 2013, to Consider the Lodi Electric Vehicle Pilot Charging Rate (EUD)

Set public hearing for March 20, 2013, to consider the Lodi Electric Vehicle Pilot Charging Rate.

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 6.3l). 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

In response to Council Member Johnson, City Attorney Schwabauer stated that, with respect to the medical marijuana moratorium, staff is in the process of gathering the relevant stakeholders to hold meetings for a permanent workable solution on the ordinance. He anticipated the matter coming back before the City Council for consideration in the summer.

Council Member Mounce reported on her participation at Career Day at Lodi Middle School and attendance at a Women's Connection meeting. She also invited the public to attend the Lodi Historical Society event on March 27 at 7:00 p.m. at Hutchins Street Square.

Mayor Nakanishi invited the citizens to attend the Town Hall meeting on March 7 at 7:00 p.m. at Carnegie Forum.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider the Appeal of California Citizens for the Equal Application of

the Law Regarding the Planning Commission's Decision to Approve a Use Permit to Operate a Fitness Facility at 1320 West Lockeford Street (APN 035-340-09; Use Permit No. 12-U-19) (CD)

This item was not considered because the applicant withdrew the appeal prior to the start of the meeting. The written withdrawal of the appeal was made a part of the record.

G-2 Public Hearing to Consider Adopting Resolution Vacating the 200 Block of West Walnut Street and Authorizing the City Manager to Execute the Required Agreements (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 Nakanishi called for the public hearing to consider adopting resolution vacating the 200 Block of West Walnut Street and authorizing the City Manager to execute the required agreements.

Deputy Public Works Director Charlie Swimley provided a PowerPoint presentation regarding the proposed Walnut Street vacation between Pleasant Avenue and Church Street. Specific topics of discussion included an overview, background, project description, project impacts, parking, traffic circulation, public access, costs, and recommended action.

In response to Council Member Mounce, Mr. Swimley confirmed there are approximately 1,200 vehicles traveling on Walnut Street daily and approximately 25% are related to activities at the church.

Mayor Nakanishi opened the public hearing.

Marilee Allen spoke in regard to traffic concerns based on neighboring church parking and side street traffic flow.

Father Brandon Ware spoke in support of the proposed vacation based on the benefit of the proposed plaza to the surrounding community.

In response to Baubie Fox, City Manager Bartlam stated the City retains only the utility easement rights associated with the property when selling the land for the proposed plaza.

Dennis Bennett spoke in support of the proposed vacation based on safety concerns for children crossing the street and the beautification of the surrounding area. A brief discussion ensued between Mr. Bennett, Council Member Johnson, and Mr. Bartlam confirming that property owner would be responsible for any impacts to the surrounding area arising out of the proposed project.

In response to Council Member Mounce, Mr. Bennett stated he believes that the proposed project will accommodate parking and usage for both St. Anne's and the adjacent Methodist church.

Pamela Ruth spoke in opposition to the proposed vacation based on her concerns regarding parking, maintenance, and homeless activity.

Mayor Nakanishi closed the public hearing.

In response to Council Member Hansen, Mr. Bartlam stated the Cottage Bakery involved a street easement and not a street fee as in the proposed vacation. Mr. Sandelin stated the Laurel property vacation involved an Americans with Disabilities Act ramp improvement at the corner in lieu of the sidewalk improvement.

In response to Council Member Hansen, City Attorney Schwabauer provided a brief overview of

the concept of gifting public funds, reviewing related cases, and confirmed that he preferred the full payment of the \$45,000 for the proposed vacated land thereby eliminating the public gift argument in its entirety.

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2013-33 vacating the 200 Block of West Walnut Street and authorizing the City Manager to execute the required agreements.

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 Post for Vacancies on Greater Lodi Area Youth Commission and 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 vacancies:

Greater Lodi Area Youth Commission

Jessinia Ahrens, term to expire May 31, 2014

Lodi Arts Commission

María Singleton, term to expire July 1, 2013

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 Consider Removal of Recreation Commissioner Barbara Wardrobe-Fox and Appointment of Recreation Commissioner Ethan Chelli (CLK)

General discussion ensued amongst the City Council and Recreation Commissioner Baubie Fox regarding Recreation Commission and AiPP Board attendance, Conflict of Interests filings and AB 1234 Ethics Training. The City Council provided general direction to reconcile the information supplied by Commissioner Fox with the City's records and forward the corresponding results to the City Council.

I. Regular Calendar - None

J. Ordinances

J-1 Adopt Ordinance No. 1871 Entitled, "An Ordinance of the Lodi City Council Amending Chapter 12.12 - Parks - by Repealing and Reenacting Section 12.12.420, 'Skate Park Regulations,' in Its Entirety" (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, (following reading

of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1871 entitled, "An Ordinance of the Lodi City Council Amending Chapter 12.12 - Parks - by Repealing and Reenacting Section 12.12.420, 'Skate Park Regulations,' in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held February 20, 2013.

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

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:15 p.m.

ATTEST:

Randi Johl  
City Clerk