

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 19, 2013**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of June 19, 2013, was called to order by Mayor Nakanishi at 6:00 p.m.

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

Absent: Council Member Mounce

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

C-2 Announcement of Closed Session

- a) Conference with Stephen Schwabauer, City Attorney, and Dean Gualco, Human Resources Manager (Labor Negotiators), Regarding Unrepresented Executive Management, Lodi City Mid-Management Association, Unrepresented Confidential Employees, AFSCME General Services and Maintenance & Operators, International Brotherhood of Electrical Workers, Fire Mid-Managers, and Lodi Professional Firefighters Pursuant to Government Code §54957.6
- b) Actual Litigation: Government Code §54956.9(a); One Case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California; Case No. CIV-S-00-2441 FCD JFM Regarding Well Closure Costs
- c) Prospective Sale of Agricultural Easement on Property Located at the White Slough Water Pollution Control Facility, 12751 North Thornton Road, Lodi, California (40 Acres within the Following APNs: 055-150-15; 055-130-04 and 13; 055-120-03 and 08; and 055-190-01); the Negotiating Parties are City of Lodi and Wal-Mart; Government Code §54956.8

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-2 (a) and C-2(c) were discussion and direction only with no reportable action.

In regard to Item C-2 (b), the City Council provided direction to complete the Busy Bee Plume well closure in the amount of \$42,000.

A. Call to Order / Roll Call

The Regular City Council meeting of June 19, 2013, was called to order by Mayor Nakanishi at 7:00 p.m.

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

Absent: Council Member Mounce

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

B. Presentations

B-1 2013 National Dump the Pump Day Proclamation (PW)

Mayor Nakanishi presented proclamation to Paula Fernandez, Transportation Manager, and Jeff Kohlhepp, General Manager of MV Transportation, proclaiming June 20, 2013, as "2013 National Dump the Pump Day" in Lodi.

B-2 Parks Make Life Better Month Proclamation (PRCS)

Mayor Nakanishi presented proclamation to Steve Dutra, Park Superintendent, and members of the Parks Division proclaiming the month of July 2013 as "Parks Make Life Better Month" in the City of Lodi.

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

Council Member Hansen made a motion, second by Council Member Johnson, 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, Mayor Pro Tempore Katakian, and Mayor Nakanishi

Noes: None

Absent: Council Member Mounce

C-1 Receive Register of Claims in the Amount of \$5,804,042.98 (FIN)

Claims were approved in the amount of \$5,804,042.98.

C-2 Approve Minutes (CLK)

The minutes of June 4, 2013 (Shirtsleeve Session), June 5, 2013 (Regular Meeting), and June 11, 2013 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Ham Lane Overlay Project, Lodi Avenue to Turner Road (PW)

Approved the plans and specifications and authorized advertisement for bids for Ham Lane Overlay Project, Lodi Avenue to Turner Road.

C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for White Slough Water Pollution Control Facility Digester Painting Project (PW)

This item was pulled by John Slaughterback, a member of the public.

In response to John Slaughterback, Public Works Director Wally Sandelin stated the facilities were painted approximately 22 years ago, there have been several improvements since that time,

City employees will inspect the project prior to and after painting and the funding source for the project is the wastewater fund.

Council Member Hansen made a motion, second by Council Member Johnson, to approve the plans and specifications and authorize advertisement for bids for White Slough Water Pollution Control Facility Digester Painting Project.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

C-5 Approve Plans and Specifications and Authorize Advertisement for Bids for Sacramento Street Pedestrian Enhancements and Beautification Project and Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement with San Joaquin Regional Conservation Corps for Project Landscaping (\$22,700) and Amending Traffic Resolution No. 97-148 by Installing Multi-Way Stop Controls at Walnut Street and Sacramento Street (PW)

Approved the plans and specifications and authorized advertisement for bids for Sacramento Street Pedestrian Enhancements and Beautification Project and adopted Resolution No. 2013-103 authorizing the City Manager to execute Professional Services Agreement with San Joaquin Regional Conservation Corps for project landscaping in the amount of \$22,700 and amending Traffic Resolution No. 97-148 by installing multi-way stop controls at Walnut Street and Sacramento Street.

C-6 Approve Specifications and Authorize Advertisement for Bids to Procure 19,500 Feet of Underground Cable (EUD)

Approved the specifications and authorized advertisement for bids to procure 19,500 feet of underground cable.

C-7 Adopt Resolution Awarding Contract for Annual Tree Trimming for Power Line Clearing to Utility Tree Service, Inc., of Stockton, and Authorizing the City Manager to Execute Contract and Extensions (\$490,000) (EUD)

Adopted Resolution No. 2013-104 awarding contract for annual tree trimming for power line clearing to Utility Tree Service, Inc., of Stockton, and authorizing the City Manager to execute contract and extensions in the amount of \$490,000.

C-8 Adopt Resolution Awarding Contract for 2013/14 Asphalt Materials to George Reed, Inc., of Modesto (\$55,890), and Authorizing Public Works Director to Execute Extension (PW)

Adopted Resolution No. 2013-105 awarding contract for 2013/14 asphalt materials to George Reed, Inc., of Modesto, in the amount of \$55,890, and authorizing the Public Works Director to execute extension.

C-9 Adopt Resolution Awarding Contract for 2013 Crack Sealing, Various City Streets to Graham Contractors, Inc., of San Jose (\$75,911.92) (PW)

Adopted Resolution No. 2013-106 awarding contract for 2013 Crack Sealing, Various City Streets to Graham Contractors, Inc., of San Jose, in the amount of \$75,911.92.

- C-10 Adopt Resolution Awarding Contract for 2013 Extruded Thermoplastic Traffic Stripes, Various City Streets to Chrisp Company, of Stockton (\$54,232.19) (PW)

Adopted Resolution No. 2013-107 awarding contract for 2013 Extruded Thermoplastic Traffic Stripes, Various City Streets to Chrisp Company, of Stockton, in the amount of \$54,232.19.

- C-11 Adopt Resolution Awarding Contract for 2013-2015 Tree Maintenance to West Coast Arborists, Inc., of Anaheim (\$178,000), and Authorizing Public Works Director to Execute Extensions (PW)

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

In response to Council Member Hansen, Public Works Director Wally Sandelin stated that, while some trees in the City are still prone to mistletoe, several other trees with mistletoe infestation were removed over the past few years, additional replacement trees were planted, and the City's urban forest remains strong.

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2013-123 awarding contract for 2013-2015 Tree Maintenance to West Coast Arborists, Inc., of Anaheim, in the amount of \$178,000, and authorizing the Public Works Director to execute extensions.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

- C-12 Adopt Resolution Awarding Contract for 2013-2015 Sidewalk Repair Program and Miscellaneous Concrete Work to Popuch Concrete Contracting, Inc., of Lodi (\$198,600), and Authorizing Public Works Director to Execute Extensions (PW)

Adopted Resolution No. 2013-108 awarding contract for 2013-2015 Sidewalk Repair Program and Miscellaneous Concrete Work to Popuch Concrete Contracting, Inc., of Lodi, in the amount of \$198,600, and authorizing the Public Works Director to execute extensions.

- C-13 Adopt Resolution Awarding Contract for 2013-2015 Traffic Signal Preventive Maintenance and Repair Program to Aegis ITS, Inc., of Anaheim (\$38,556), and Authorizing Public Works Director to Execute Extensions (PW)

Adopted Resolution No. 2013-109 awarding contract for 2013-2015 Traffic Signal Preventive Maintenance and Repair Program to Aegis ITS, Inc., of Anaheim, in the amount of \$38,556, and authorizing the Public Works Director to execute extensions.

- C-14 Adopt Resolution Awarding Contract for 2013-2015 Sidewalk Grinding Program to Central Coast Surface Grinding, Inc., of Paso Robles (\$47,700), and Authorizing Public Works Director to Execute Extensions (PW)

Adopted Resolution No. 2013-110 awarding contract for 2013-2015 Sidewalk Grinding Program to Central Coast Surface Grinding, Inc., of Paso Robles, in the amount of \$47,700, and authorizing the Public Works Director to execute extensions.

C-15 Accept Improvements Under Contract for Transit Station Facility Improvement Project (PW)

Accepted the improvements under contract for Transit Station Facility Improvement Project.

C-16 Adopt Resolution Authorizing the City Manager to Execute Contracts for Fiscal Year 2013/14 with United Cerebral Palsy of San Joaquin, Amador, and Calaveras Counties, of Stockton, for Downtown Cleaning (\$46,686), Transit Facility Cleaning (\$38,455.50), and Hutchins Street Square Landscape Maintenance (\$15,995.87) (PW)

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

In response to Council Member Johnson, Mr. Bartlam stated United Cerebral Palsy is maxed out with respect to staffing because it carries a fairly standard number of clients at any given time.

Council Member Johnson made a motion, second by Mayor Pro Tempore Katzakian, to adopt Resolution No. 2013-124 authorizing the City Manager to execute contracts for Fiscal Year 2013/14 with United Cerebral Palsy of San Joaquin, Amador, and Calaveras Counties, of Stockton, for downtown cleaning in the amount of \$46,686, transit facility cleaning in the amount of \$38,455.50, and Hutchins Street Square landscape maintenance in the amount of \$15,995.87.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

C-17 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement for Design Development and Construction Administration Services for White Slough Water Pollution Control Facility Women's Locker Room and Building Improvements Project with WMB Architects, of Stockton (\$43,540) (PW)

Adopted Resolution No. 2013-111 authorizing the City Manager to execute Professional Services Agreement for design development and construction administration services for White Slough Water Pollution Control Facility Women's Locker Room and Building Improvements Project with WMB Architects, of Stockton, in the amount of \$43,540.

C-18 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement and Extensions with Adecco Employment Services for Temporary Clerical and Information Technology Support (\$170,000) (PW)

Adopted Resolution No. 2013-112 authorizing the City Manager to execute Professional Services Agreement and extensions with Adecco Employment Services for temporary clerical and information technology support in the amount of \$170,000.

C-19 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement and Extensions with Neil O. Anderson & Associates, of Lodi, for Construction Testing and Inspection Services (\$150,000) (PW)

Adopted Resolution No. 2013-113 authorizing the City Manager to execute Professional Services Agreement and extensions with Neil O. Anderson & Associates, of Lodi, for construction testing and inspection services in the amount of \$150,000.

C-20 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement with Green Home Solutions by Grupe to Administer the Lodi Efficiency & Renewable Energy Pilot Program (CM)

Adopted Resolution No. 2013-114 authorizing the City Manager to execute Professional Services Agreement with Green Home Solutions by Grupe to administer the Lodi Efficiency & Renewable Energy Pilot Program.

C-21 Adopt Resolution Approving Memorandum of Understanding with Northern California Power Agency Regarding Restoration of Joint Access Road at White Slough Water Pollution Control Facility (PW)

Adopted Resolution No. 2013-115 approving Memorandum of Understanding with Northern California Power Agency regarding restoration of joint access road at White Slough Water Pollution Control Facility.

C-22 Adopt Resolution Approving Agreement with LOEL Foundation to Operate Hutchins Street Square Senior Center (PRCS)

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

In response to Council Member Hansen, Tracy Williams, Executive Director for Loel Center, stated the senior services to be provided at Hutchins Street Square will be in addition to what is already provided at the Loel Center and may include computer and social media classes, Parkinson's group meetings, and other diverse needs classes.

In response to Mayor Nakanishi, City Manager Bartlam stated the City is saving money in staffing and utilities with Loel providing consolidated senior services. Mr. Bartlam stated the Senior Center exists because of a donation from Mr. Holz, which built the facility, and coincidentally he was also the founder of the Loel Center.

Council Member Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2013-125 approving agreement with LOEL Foundation to operate Hutchins Street Square Senior Center.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

C-23 Adopt Resolution Authorizing the City Manager to Execute Community Corps Contract (PRCS)

Adopted Resolution No. 2013-116 authorizing the City Manager to execute Community Corps contract.

C-24 Adopt Resolution Approving Contract Amendment Agreement with AECOM Technical Services for the Development of the Climate Action Plan (CD)

Adopted Resolution No. 2013-117 approving contract amendment agreement with AECOM Technical Services for the development of the Climate Action Plan.

C-25 Adopt Resolution Authorizing the City Manager to Submit an Application with Eden Housing Inc. to the State of California Department of Housing and Community Development for HOME Investment Partnerships Program Funding; and if Selected, the Execution of a Standard Agreement, any Amendments Thereto, and any Related Documents Necessary to Participate in the HOME Investment Partnerships Program (\$5.6 Million) (CD)

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

In response to Council Member Hansen, City Manager Bartlam confirmed that the proposed action is another attempt to secure funding for the Eden Housing project next to Roget Park. Mr. Bartlam provided a brief overview of the previous attempts to gain funding for the senior housing project in light of the downturn in the economy, the current status of the project, and the likelihood of obtaining funding through the competitive process.

In response to Council Member Hansen, Neighborhood Services Manager Joseph Wood stated the funding cycle was moved up and the City will have preliminary approval of the scores by August with final approval and funding for those awarded by the end of the year.

In response to Mayor Pro Tempore Katzakian, Mr. Bartlam confirmed that the applied for funding will be sufficient to complete Phase 1 of the project.

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2013-126 authorizing the City Manager to submit an application with Eden Housing Inc. to the State of California Department of Housing and Community Development for HOME Investment Partnerships Program funding; and if selected, the execution of a standard agreement, any amendments thereto, and any related documents necessary to participate in the HOME Investment Partnerships Program in the amount of \$5.6 Million.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

C-26 Adopt Resolution Authorizing the City Manager to Submit an Application to the State of California Department of Housing and Community Development for HOME Investment Partnerships Program Funding; and if Selected, the Execution of a Standard Agreement, any Amendments Thereto, and any Related Documents Necessary to Participate in the HOME Investment Partnerships Program (\$700,000) (CD)

Adopted Resolution No. 2013-118 authorizing the City Manager to submit an application to the State of California Department of Housing and Community Development for HOME Investment Partnerships Program funding; and if selected, the execution of a standard agreement, any amendments thereto, and any related documents necessary to participate in the HOME Investment Partnerships Program in the amount of \$700,000.

C-27 Adopt Resolution Setting Grape Bowl Fees Effective July 1, 2013 (PRCS)

Adopted Resolution No. 2013-119 setting Grape Bowl fees effective July 1, 2013.

C-28 Set Public Hearing for July 17, 2013, to Consider Amending the Standby Service Rate (EUD)

Set public hearing for July 17, 2013, to consider amending the standby service rate.

C-29 Adopt Resolution Initiating Proceedings for the Levy and Collection of Assessments, Resolution Approving the Annual Report, and Resolution Declaring Intention to Levy and Collect Assessments for the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 for Fiscal Year 2013/14; and Set Public Hearing for July 17, 2013 (PW)

Adopted Resolution No. 2013-120 initiating proceedings for the levy and collection of assessments, Resolution No. 2013-121 approving the Annual Report, and Resolution No. 2013-122 declaring intention to levy and collect assessments for the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 for fiscal year 2013/14; and set public hearing for July 17, 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 6.3l). 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.

Joanne Kerans spoke in regard to the Lodi Leadership class project to raise funds and make improvements to the Boys and Girls Club facility. She reported that this year's class had raised \$15,000 to date for the project.

Kathy Polenski spoke in regard to her concerns about the placement of garbage cans in the street versus the sidewalk and the recent ordinance regarding the same.

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

In response to Council Member Johnson, Public Works Director Wally Sandelin stated the tree problem on Lower Sacramento Road is currently being addressed.

In response to Council Member Hansen, Mr. Sandelin stated the security cameras at the parking garage are up and operating.

Mayor Nakanishi invited everyone to attend the Town Hall meeting on June 20, 2013.

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

City Manager Bartlam congratulated Dean Gualco on his permanent appointment to the Library Services Director position.

G. Public Hearings - None

H. Communications

H-1 Appointments to the Lodi Planning Commission (CLK)

Council Member Johnson made a motion, second by Mayor Pro Tempore Katzakian, to make the following appointments:

Lodi Planning Commission

Debbie Olson, term to expire June 30, 2017

Mitchell Slater, term to expire June 30, 2017

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

I. Regular Calendar

I-1 Adopt Resolution Setting Entry Permit Fine for Lodi Lake Park and Introduce Ordinance Amending Lodi Municipal Code Chapter 12.12 - Parks - by Adding Section 12.12.305, "Lodi Lake Park Vehicle Entry Restrictions" (PRCS)

Parks, Recreation and Cultural Services Director Jeff Hood provided a PowerPoint presentation regarding the proposed vehicle entry restrictions at Lodi Lake. Specific topics of discussion included the goals of the ordinance, current practice, similar approach by other agencies, annual fee, other payment options, fines, enforcement, and recommended action.

In response to Council Member Johnson, Mr. Hood stated the Iron Rangers are secure against vandalism because there are people monitoring the area throughout the day.

In response to Council Member Hansen, Mr. Hood stated the process would include a patron visiting when the park is open from sunrise to dusk, paying a fee upon entry into the park at the Iron Ranger, retaining the receipt from the perforated envelope, and placing that receipt on their dashboard for display in the same manner as the County parks. Mr. Hood stated revenue from parking at the Lake may increase approximately 10% to 15%.

In response to Council Member Hansen, Mr. Hood stated enforcement completed through random auditing will be handled by park officers and other specified staff while payment is handled by attendants.

In response to Council Member Johnson, Mr. Hood stated the success of the Iron Rangers usage by other agencies indicates that compliance is based on enforcement efforts.

In response to Council Member Hansen, Mr. Hood stated attendants will not be handling enforcement.

In response to Council Member Hansen, Mr. Hood stated there is no fee increase or change in fees proposed in the current ordinance.

Ed Miller spoke in regard to the goal of revenue collection, practicality of staffing the gate at all times, and considering a disabled discount. In response to Mr. Miller, Mr. Bartlam stated a park police officer is already on staff and the primary problem the ordinance is attempting to solve is how to collect the already existing fee without having staff present at all hours.

In response to Council Member Hansen, Mr. Bartlam stated the disabled parking requirements are not related to the park entry fee for vehicles.

John Slaughterback suggested that staff consider an option for a life time permit to Lodi Lake.

Council Member Johnson made a motion, second by Mayor Pro Tempore Katzakian, to adopt Resolution No. 2013-127 setting entry permit fine for Lodi Lake Park and introduce Ordinance No. 1879 amending Lodi Municipal Code Chapter 12.12 - Parks - by adding Section 12.12.305, "Lodi Lake Park Vehicle Entry Restrictions."

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

J. Ordinances

J-1 Adopt Ordinance No. 1878 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.16 - Solid Waste - by Repealing and Reenacting Section 13.16.050(A) - Placement of Containers in Its Entirety" (CLK)

Council Member Johnson made a motion, second by Mayor Pro Tempore Katzakian, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1878 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.16 - Solid Waste - by Repealing and Reenacting Section 13.16.050(A) - Placement of Containers in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held June 5, 2013.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:15 p.m.

ATTEST:

Randi Johl
City Clerk