

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 2, 2013**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of October 2, 2013, was called to order by Mayor Nakanishi at 6:35 p.m.

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

Absent: Council Member Johnson

Also Present: City Manager Bartlam, City Attorney Schwabauer, and Assistant City Clerk Robison

C-2 Announcement of Closed Session

- a) Conference with Stephen Schwabauer, City Attorney, and Jordan Ayers, Deputy City Manager (Labor Negotiators), Regarding Unrepresented Executive Management, Lodi City Mid-Management Association, Unrepresented Confidential Employees, AFSCME General Services and Maintenance & Operators, Fire Mid-Managers, and Lodi Professional Firefighters; Conference with Stephen Schwabauer, City Attorney, and Dean Gualco, Human Resources Manager (Labor Negotiators), Regarding International Brotherhood of Electrical Workers Pursuant to Government Code §54957.6
- b) Prospective Sale of Current Fire Station 2 Property Located at 705 East Lodi Avenue, Lodi, CA; the Negotiating Parties are Wayne Craig for J-C General Engineering, Inc.; and Michael Gums on Behalf of the Lloyd P. & Mildred J. Gums Family Trust, and Rad Bartlam for the City of Lodi; Price and Terms of the Sale are Under Negotiation; Government Code §54956.8

C-3 Adjourn to Closed Session

At 6:35 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:55 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.

Item C-2 (a) was discussion and direction only with no reportable action.

Item C-2 (b) was not discussed.

A. Call to Order / Roll Call

The Regular City Council meeting of October 2, 2013, was called to order by Mayor Nakanishi at 7:00 p.m.

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

Absent: Council Member Johnson

Also Present: City Manager Bartlam, City Attorney Schwabauer, and Assistant City Clerk Robison

B. Presentations

B-1 Domestic Violence Awareness Month Proclamation (CLK)

Mayor Nakanishi presented proclamation to Jennifer Jones, Shelter Director of Women's Center-Youth & Family Services, proclaiming the month of October 2013 as "Domestic Violence Awareness Month" in the City of Lodi.

B-2 Public Power Week Proclamation (EU)

Mayor Nakanishi presented proclamation to Electric Utility Director Elizabeth Kirkley proclaiming the week of October 6 - 12, 2013, as "Public Power Week" in the City of Lodi. Ms. Kirkley invited the public to attend its Open House on October 16.

B-3 Fire Prevention Week Proclamation (FD)

Mayor Nakanishi presented proclamation to Fire Chief Larry Rooney proclaiming the week of October 6 - 12, 2013, as "Fire Prevention Week" in the City of Lodi. Chief Rooney invited the public to attend its Open House on October 12.

B-4 Lodi Fire Department Pink October Breast Cancer Awareness Month Fundraiser Proclamation (FD)

Mayor Nakanishi presented proclamation to Fire Chief Larry Rooney proclaiming the month of October 2013 as "Lodi Fire Department Pink October Breast Cancer Awareness Month" fundraiser 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 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 Mounce, Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Noes: None

Absent: Council Member Johnson

C-1 Receive Register of Claims in the Amount of \$5,394,144.89 (FIN)

Claims were approved in the amount of \$5,394,144.89.

C-2 Approve Minutes (CLK)

The minutes of September 3, 2013 (Shirtsleeve Session), September 4, 2013 (Regular Meeting), September 10, 2013 (Shirtsleeve Session), September 17, 2013 (Shirtsleeve Session), September 18, 2013 (Regular Meeting), and September 24, 2013 (Shirtsleeve Session) were approved as written.

- C-3 Adopt Resolution Awarding Bid for the Purchase of Wood Utility Poles from Bridgewell Resources, of Tigard, Oregon (\$20,498.40) (EU)

Adopted Resolution No. 2013-165 awarding bid for the purchase of wood utility poles from Bridgewell Resources, of Tigard, Oregon, in the amount of \$20,498.40.

- C-4 Adopt Resolution Awarding Bid for the Purchase of Underground Cable from The Okonite Company, of San Ramon (\$133,876.80) (EU)

Adopted Resolution No. 2013-166 awarding bid for the purchase of underground cable from The Okonite Company, of San Ramon, in the amount of \$133,876.80.

- C-5 Adopt Resolution Awarding Bid for the Purchase of Fiber Optic Trailer from Midway Trailer, Inc., of Benton, Missouri (\$22,609.80) (EU)

Adopted Resolution No. 2013-167 awarding bid for the purchase of fiber optic trailer from Midway Trailer, Inc., of Benton, Missouri, in the amount of \$22,609.80.

- C-6 Adopt Resolution Authorizing the City Manager to Execute Task Order No. 2 with Environmental Systems Research Institute, Inc., of Redlands, for Phase II Data Integration and Model Building of a Geographical Information System (\$87,000) (EU)

Adopted Resolution No. 2013-168 authorizing the City Manager to execute Task Order No. 2 with Environmental Systems Research Institute, Inc., of Redlands, for Phase II Data Integration and Model Building of a Geographical Information System in the amount of \$87,000.

- C-7 Adopt Resolution Extending White Slough Water Pollution Control Facility Agricultural Leases (PW)

Adopted Resolution No. 2013-169 extending White Slough Water Pollution Control Facility agricultural leases.

- C-8 Adopt Resolution Authorizing the City Manager to Execute Agreement with County of San Joaquin for Automated Message Switching System and Criminal Justice Information System Access (\$19,978) (PD)

Adopted Resolution No. 2013-170 authorizing the City Manager to execute agreement with County of San Joaquin for Automated Message Switching System and Criminal Justice Information System Access in the amount of \$19,978.

- C-9 Adopt Resolution Authorizing the City Manager to Execute Agreement and Approve Proposed Expenditure Program for Lodi's Share of the 2013 Edward Byrne Memorial Justice Assistance Grant (\$18,803) (PD)

Adopted Resolution No. 2013-171 authorizing the City Manager to execute agreement and approve proposed expenditure program for Lodi's share of the 2013 Edward Byrne Memorial Justice Assistance Grant in the amount of \$18,803.

- C-10 Adopt Resolution Authorizing the City Manager to Cancel the Annual Physical Contract with Co Occupational Medical Partners, Inc. (FD)

Adopted Resolution No. 2013-172 authorizing the City Manager to cancel the annual physical contract with Co Occupational Medical Partners, Inc.

C-11 Adopt Resolution Approving Job Description and Salary Range for the Position of Utility Superintendent (CM)

John Slaughterback expressed concern regarding the proposed retroactive salary increase and questioned why this proposal was not processed through the proper chain of command. City Manager Bartlam replied that this matter was vetted by the Public Works and Human Resources Departments, he supported submitting the matter to Council, and the Council was aware of it. Mr. Bartlam further explained this request is to merge two job titles under one individual, there is a cost savings of over \$100,000 per year, and he will continue to right-size the organization by merging functions to be cost effective for the City.

Adopted Resolution No. 2013-173 approving job description and salary range for the position of Utility Superintendent.

C-12 Set Public Hearing for October 16, 2013, to Consider Adopting a Resolution Setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2014 (CD)

Set public hearing for October 16, 2013, to consider adopting a resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fees for 2014.

C-13 Set Public Hearing for November 6, 2013, to Consider Unmet Transit Needs in Lodi (PW)

Set public hearing for November 6, 2013, 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. 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.

John Slaughterback thanked the City Manager and Public Works Director for meeting with him and for arranging a tour of the wastewater plant. He expressed appreciation to staff for providing him information regarding the processes at the plant and explaining the reason behind the increase in solids. Mr. Slaughterback suggested the employees at the plant be recognized for their efforts in saving the City over \$100,000 by building a bypass line on their own, to which Mr. Bartlam responded that the employees did an incredible job and were recently recognized publicly at a Council meeting.

Marilyn Hughes expressed concern about the increase in motorized activity on Lodi Lake and the river, stating it was becoming dangerous for kayakers and paddle boarders, as well as creating noise pollution for those enjoying the Nature Area and trails. She has been working with the County to try to alleviate these concerns and requested a City contact to aid in this endeavor. Mr. Bartlam stated the Police Chief has received similar complaints and has been in communication with the Sheriff's office. Council Member Hansen suggested pamphlets be given to users of the lake reminding them of safe boating regulations and rights of other users. Police Chief Helms stated he would take the lead on this matter.

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

Council Member Mounce reported on her attendance at the League of California Cities annual

conference and congratulated Management Analyst Janet Hamilton for her work on the Healthy Workforce Program, which was recognized at the conference with a \$5,000 grant. Ms. Mounce expressed appreciation to Council Member Hansen for his many years of representation on the San Joaquin Council of Governments and reported on the recent meeting she attended on his behalf. Further, Ms. Mounce commended the Partnership for Families on another successful Celebration on Central event this past Sunday.

Council Member Hansen reported on his attendance at the Northern California Power Agency annual conference and the discussions regarding cyber security at electric utilities, strategic plan review, and the Central Valley Improvement Project relating to hydro dams on rivers. Mr. Hansen also reported that the groundbreaking took place on the second phase of the Highway 12 project, which will make improvements near Bouldin Island. Further, Mr. Hansen wished his nine-year old grandson a happy birthday.

Mayor Nakanishi announced there will be a town hall meeting on October 14 at Carnegie Forum from 5:30 to 7 p.m. for the opportunity to ask questions of Senator Cathleen Galgiani and Assembly Member Richard Pan. Mayor Nakanishi will serve as moderator and topics will include: pension liability, realignment, economic development, and health care.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Adopting a Resolution Approving an Amendment of the 2013/14 Action Plan to Accommodate the Allocation of Previously Unallocated Funds Received in 2013/14 and the Reallocation of Unused Community Development Block Grant Funds from Previous Years and Appropriating Funds (\$109,346) (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 adopting a resolution approving an amendment of the 2013/14 Action Plan to accommodate the allocation of previously unallocated funds received in 2013/14 and the reallocation of unused Community Development Block Grant (CDBG) funds from previous years and appropriating funds in the amount of \$109,346.

Neighborhood Services Manager Joseph Wood provided a PowerPoint presentation regarding the amendment of the 2013/14 Action Plan and reallocation of CDBG funds. Specific topics of discussion included sources for allocation/reallocation, uses of allocation/reallocation, public review and comment, public hearing, and requested action.

In response to Council Member Hansen, Mr. Wood stated the left-over funds in the spray and neuter program are a result of vouchers that were not used in the required time frame. Further, the graffiti abatement funding covers activity in the CDBG target area, predominantly the east side. Based on historical usage, and the activity most likely will not use the remaining funds this program year.

In response to Council Member Hansen, Mr. Wood explained that the Small Business Assistance Program provides consulting services to small businesses looking to start up or expand.

Nate McBride, Director of the Small Business Development Center, provided information on its services, stating its goal is to create more businesses and jobs by providing consulting services and training to help people gain access to financing resources and learn how to market their

business. It does not grant money, but gets people in contact with lending agencies and other resources. The Center consists of Mr. McBride, an administrative assistant, and five to six consultants paid on an as-needed basis and serves four counties.

Council Member Mounce shared the success story of a Lodi business that received assistance from the Center, which is located downtown and now has four employees. In response to Ms. Mounce, Mr. Bartlam stated the program serves both the target area and individuals meeting the income requirement.

Mr. Wood stated that a performance report is provided for each activity as part of the Comprehensive Annual Performance Evaluation Report, which is approved by Council.

Mayor Nakanishi opened and closed the public hearing receiving no public comment.

Council Member Hansen made a motion, second by Council Member Mounce, to adopt Resolution No. 2013-174 approving an amendment of the 2013/14 Action Plan to accommodate the allocation of previously unallocated funds received in 2013/14 and the reallocation of unused Community Development Block Grant funds from previous years and appropriating funds in the amount of \$109,346.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Johnson

G-2 Public Hearing to Receive Comments on and Consider Accepting City of Lodi's Report on Water Quality Relative to Public Health Goals (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 receive comments on and consider accepting City of Lodi's Report on Water Quality Relative to Public Health Goals.

Deputy Public Works Director Larry Parlin provided a brief report on the City of Lodi's Report on Water Quality Relative to Public Health Goals, stating this was a Title 22 California Code regulation requirement that must be performed every three years and highlighting the report findings that the City of Lodi's water is high quality.

In response to Council Member Mounce, Mr. Parlin stated there are less constituents of concern in the water once the surface water is introduced into the water supply because the source is a higher-quality, cleaner source than well water.

In response to Mayor Nakanishi, Mr. Bartlam stated that river water is better than well water, half the water in the system today is coming from the river, and it would not be feasible to filter well water through the treatment plant because the cost would be too high and the benefit too little.

Mayor Nakanishi opened and closed the public hearing receiving no public comment.

Council Member Hansen made a motion, second by Mayor Nakanishi, to accept City of Lodi's Report on Water Quality Relative to Public Health Goals.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Johnson

H. Communications

H-1 Post for Vacancies on the Lodi Arts Commission and Lodi Improvement Committee (CLK)

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

Lodi Arts Commission

Sara Mellor, term to expire July 1, 2014

Lodi Improvement Committee

Jarred Ditmore, term to expire March 1, 2015

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Johnson

I. Regular Calendar

I-1 Introduce Ordinance Amending Lodi Municipal Code Chapter 2.04 - City Council Meetings - by Repealing and Reenacting Sections 2.04.130, "Addressing the Council," and 2.04.150, "Decorum," in Their Entirety (CA)

City Attorney Schwabauer provided a brief presentation regarding the recommended ordinance changes that would conform the City with state law regarding citizens addressing Council and decorum during meetings. The ordinance would request that citizens addressing Council provide their names and addresses, but not require it. Further, certain behaviors considered to be disruptive during a meeting may be prohibited, but not speech.

Council Member Mounce stated she believed citizens have the right to address Council as they wish and was glad to see this ordinance would not prevent this from continuing to occur.

In response to Council Member Hansen, Mr. Schwabauer stated the Penal Code covers "fighting words" and words that could create havoc and, therefore, such language could be considered disruptive. Additionally, the Brown Act gives citizens the right to address Council on matters within its purview and this ordinance does not change that. This is a limited public forum to talk on issues about which Council can do something, which is quite broad. Any given case will be a judgment call, and Mr. Schwabauer stated he leaned toward the side of allowing people to speak instead of spending time, money, and effort in court.

In response to Mayor Nakanishi, Mr. Schwabauer stated an infraction is subject to a monetary penalty and does not go on one's record of having committed a crime and any citation would be issued by the parliamentary officer.

Council Member Mounce made a motion, second by Council Member Hansen, to introduce Ordinance No. 1884 amending Lodi Municipal Code Chapter 2.04 - City Council Meetings - by

repealing and reenacting Sections 2.04.130, "Addressing the Council," and 2.04.150, "Decorum," in their entirety.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Johnson

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:19 p.m.

ATTEST:

Jennifer M. Robison
Assistant City Clerk