

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

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of November 6, 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-Olson

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) Pursuant to Government Code §54956.9(c): One Potential Case; Conference with Legal Counsel - Initiation of Litigation: City of Lodi v. County of San Joaquin Regarding Property Tax Administration Fees

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 7:05 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:10 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.

In regard to Item C-2 (b), the City Council authorized the conclusion of potential litigation with the County of San Joaquin related to property tax administration fees for \$763,000.

A. Call to Order / Roll Call

The Regular City Council meeting of November 6, 2013, was called to order by Mayor Nakanishi at 7:10 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-Olson

B. Presentations

B-1 Homeless Youth Awareness and Runaway Prevention Month Proclamation (CLK)

Mayor Nakanishi presented proclamation to Cecilia Arredondo with the San Joaquin Women's Center proclaiming the month of November 2013 as "Homeless Youth Awareness and Runaway Prevention Month" in the City of Lodi.

B-2 Presentation of Certificates of Appreciation to Blakely Park Pool Free Swim Donors (PRCS)

Mayor Nakanishi presented Certificates of Appreciation to the following donors who helped cover costs in order to provide free swimming throughout the summer: Michael-David Family Foundation, Omega Nu, Lodi Health, Lodi Tokay Rotary Club, Lodi Lions, FCB Homes, Reynolds Ranch Partners, Carol Marvel, Lodi City Swim Club, Lodi City Employees Association, and Woodbridge Greens Area Residents.

B-3 Presentation of Certificates of Appreciation Relating to the Sister City Committee Kofu, Japan Trip (CLK)

Mayor Nakanishi presented Certificates of Appreciation to the following individuals who participated in the Sister City Committee Kofu, Japan, trip: Lynn Benbrook, Dr. Jim and Yoshi Kim, Jennifer Cooper, Dr. Pete Hetzner, Hilary Hetzner, Joe and Clydene Hohenrieder, Masayuki Hattori, Bill Hinkle, Sister City Committee, and Lustre-Cal.

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

Council Member Hansen 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, Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Noes: None

Absent: Council Member Mounce

C-1 Receive Register of Claims in the Amount of \$16,890,033.98 (FIN)

Claims were approved in the amount of \$16,890,033.98.

C-2 Approve Minutes (CLK)

The minutes of October 15, 2013 (Shirtsleeve Session), October 16, 2013 (Regular Meeting), October 22, 2013 (Shirtsleeve Session), and October 29, 2013 (Shirtsleeve Session) were approved as written.

C-3 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-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 Adopt Resolution Approving the City of Lodi Investment Policy and Internal Control Guidelines (CM)

Adopted Resolution No. 2013-186 approving the City of Lodi Investment Policy and Internal Control Guidelines.

C-6 Approve Plans and Specifications and Authorize Advertisement for Bids for Lodi Public Library Phase 3 Remodel Project (PW)

Approved the plans and specifications and authorized advertisement for bids for Lodi Public Library Phase 3 Remodel Project.

C-7 Approve Plans and Specifications and Authorize Advertisement for Bids for City Hall Annex First Floor Phase 2 Interior Remodel Project (PW)

Approved the plans and specifications and authorized advertisement for bids for City Hall Annex First Floor Phase 2 Interior Remodel Project.

C-8 Adopt Resolution Awarding Contract for DeBenedetti Park Masonry Wall Landscaping, 2160 West Century Boulevard, to Hemington Landscape Services, Inc., of Cameron Park (\$50,531), and Appropriating Funds (\$71,000) (PW)

Adopted Resolution No. 2013-187 awarding contract for DeBenedetti Park Masonry Wall Landscaping, 2160 West Century Boulevard, to Hemington Landscape Services, Inc., of Cameron Park, in the amount of \$50,531, and appropriating funds in the amount of \$71,000.

C-9 Accept Improvements Under Contract for Well 6R Granular Activated Carbon Treatment System Project (PW)

Accepted the improvements under contract for Well 6R Granular Activated Carbon Treatment System Project.

C-10 Accept Improvements Under Contract for White Slough Water Pollution Control Facility Digester Painting Project (PW)

Accepted the improvements under contract for White Slough Water Pollution Control Facility Digester Painting Project.

C-11 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement for Pretreatment Program Assistance for White Slough Water Pollution Control Facility with Larry Walker Associates, of Davis (\$56,290) (PW)

Adopted Resolution No. 2013-188 authorizing the City Manager to execute Professional Services Agreement for Pretreatment Program assistance for White Slough Water Pollution Control Facility with Larry Walker Associates, of Davis, in the amount of \$56,290.

C-12 Adopt Resolution Authorizing the City Manager to Execute Amendment to Professional Services Agreement with Carollo Engineers, Inc., of Sacramento (\$90,000) (PW)

Adopted Resolution No. 2013-189 authorizing the City Manager to execute amendment to Professional Services Agreement with Carollo Engineers, Inc., of Sacramento, in the amount of

\$90,000.

C-13 Authorize the City Manager to Execute Agreement Extending Term of the Northeastern San Joaquin County Groundwater Banking Authority Joint Powers Agreement (PW)

Authorized the City Manager to execute agreement extending term of the Northeastern San Joaquin County Groundwater Banking Authority Joint Powers Agreement.

C-14 Adopt Resolution Approving the Cost Sharing Fee for Fiscal Year 2013/14 Between the City of Stockton and Sirsi, Corp. (\$24,850) (LIB)

Adopted Resolution No. 2013-190 approving the cost sharing fee for fiscal year 2013/14 between the City of Stockton and Sirsi, Corp. in the amount of \$24,850.

C-15 Adopt Resolution Authorizing the Chief of Police to Enter into an Agreement with the Department of Homeland Security Organized Crime Drug Enforcement Task Force (PD)

Adopted Resolution No. 2013-191 authorizing the Chief of Police to enter into an agreement with the Department of Homeland Security Organized Crime Drug Enforcement Task Force.

C-16 Adopt Resolution Authorizing the City Manager and Chief of Police to Enter into a Memorandum of Understanding with the California Highway Patrol Delta Regional Auto Theft Team Task Force (PD)

Adopted Resolution No. 2013-192 authorizing the City Manager and Chief of Police to enter into a Memorandum of Understanding with the California Highway Patrol Delta Regional Auto Theft Team Task Force.

C-17 Adopt Resolution Authorizing the City Manager to Accept Donation to the Fire Department (\$25,000) (FD)

Council Member Hansen thanked the anonymous donor for their monetary contribution to the Police and Fire Departments.

Adopted Resolution No. 2013-193 authorizing the City Manager to accept donation to the Fire Department.

C-18 Adopt Resolution Approving Seward Johnson Sculpture Exhibit and Traffic Control Box Art Project and Appropriate Funds (\$39,500) (PRCS)

Adopted Resolution No. 2013-194 approving Seward Johnson sculpture exhibit and traffic control box art project and appropriating funds in the amount of \$39,500.

C-19 Adopt Resolution Approving CalPERS Employer Paid Member Contributions (CM)

Adopted Resolution No. 2013-195 approving CalPERS employer paid member contributions.

C-20 Adopt Resolutions Authorizing Converting Existing Contract Staff by: 1) Approving Job Specification, Salary Range, and Addition of One Electric Groundworker and 2) Authorizing Addition of One Electric Lineworker (EU)

Adopted the following resolutions authorizing converting existing contract staff: 1) Resolution No. 2013-196 approving job specification, salary range, and addition of one Electric Groundworker and 2) Resolution No. 2013-197 authorizing addition of one Electric Lineworker.

C-21 Set Public Hearing for November 20, 2013, to Consider Adopting Resolution Approving the Planning Commission's Recommendation to Authorize 232 Low-Density Residential Growth Management Allocations for FCB Homes (CD)

Council Member Hansen recused himself from the vote on this action because his primary residence is located within 300 feet of the project area.

Council Member Johnson made a motion, second by Mayor Pro Tempore Katzakian, to set the public hearing for November 20, 2013, to consider adopting resolution approving the Planning Commission's recommendation to authorize 232 low-density residential Growth Management Allocations for FCB Homes.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Recusals: Council Member Hansen

Absent: Council Member Mounce

C-22 Set Public Hearing for December 18, 2013, to Consider Adopting Resolution Setting Pre-Approved Engineering News Record Adjustment Index for Usage-Based and Flat Water Rates for Residential, Commercial, and Industrial Customers (PW)

Set public hearing for December 18, 2013, to consider adopting resolution setting pre-approved Engineering News Record adjustment index for usage-based and flat water rates for residential, commercial, and industrial customers.

C-23 Set Public Hearing for December 18, 2013, to Consider Adopting Resolution Setting Future Water, Wastewater, and Solid Waste Rate Schedules Pursuant to Proposition 218 for Residential, Commercial, and Industrial Customers (PW)

Set public hearing for December 18, 2013, to consider adopting resolution setting future water, wastewater, and solid waste rate schedules pursuant to Proposition 218 for residential, commercial, and industrial customers.

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.

Timothy Miller spoke of his concerns regarding excessive noise at the Grape Bowl, specifically as it relates to the new sound system, and its negative effect on his adjacent property. Mr. Bartlam acknowledged awareness of the complaint and stated staff is working on solutions with those that utilize the sound system, including announcers that are not employed by the City.

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

Council Member Johnson asked the City Manager to schedule a Shirtsleeve Session to discuss

the topic of public restrooms in the downtown area.

Mayor Nakanishi reported on a meeting with Senator Galgiani to discuss issues of concern to the City. He also stated the San Joaquin Board of Supervisors held its last regularly scheduled meeting at the Lodi Grape Festival and realignment was discussed.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Unmet Transit Needs in Lodi (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 unmet transit needs in Lodi.

Public Works Director Wally Sandelin provided a brief overview regarding unmet transit needs as set forth the Council Communication.

Mayor Nakanishi opened the public hearing to receive public comment.

Clifford Weaver spoke in regard to his concerns about the cleanliness of buses and transportation to and from City Council meetings.

Mayor Nakanishi closed the public hearing after receiving no additional comments.

G-2 Public Hearing to Consider Adopting Uncodified Urgency Interim Ordinance to Extend Interim Ordinance No. 1868, Which Established a Moratorium on 1) the Outdoor Cultivation of Medical Marijuana within the City of Lodi, and 2) the Indoor Cultivation of Medical Marijuana that Creates a Public Nuisance (CA)

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 uncodified urgency interim ordinance to extend interim Ordinance No. 1868, which established a moratorium on 1) the outdoor cultivation of medical marijuana within the City of Lodi, and 2) the indoor cultivation of medical marijuana that creates a public nuisance.

City Attorney Steve Schwabauer provided a brief overview of the proposed extension of the interim ordinance as set forth in the Council Communication.

In response to Council Member Johnson, Mr. Schwabauer stated the proposed extension is for one year, a permanent ordinance would need to be in place after that time period, there may be additional certainty on the topic through court decisions in the next year, and staff is continuing to work with the affected community on the permanent ordinance for the future.

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

Council Member Hansen made a motion, second by Mayor Pro Tempore Katzakian, to adopt uncodified urgency interim Ordinance No. 1885 to extend interim Ordinance No. 1868, which established a moratorium on 1) the outdoor cultivation of medical marijuana within the City of Lodi, and 2) the indoor cultivation of medical marijuana that creates a public nuisance.

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

G-3 Public Hearing to Consider Adoption of the 2013 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, and Fire Code (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 adoption of the 2013 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, and Fire Code.

Building Official Dennis Canright provided a brief PowerPoint presentation specifically discussing the recent changes in the building and related codes and the proposed adoption of the same as set forth in the Council Communication.

In response to Council Member Hansen, Mr. Canright confirmed the codes set forth requirements that are often pushed by lobbyists and special interest groups in the construction industry.

In response to Mayor Nakanishi, Mr. Bartlam confirmed that, if the City does not adopt the codes as recommended, the State codes would go into effect by default and they may not include the changes outlined by staff.

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

Mayor Nakanishi made a motion, second by Council Member Hansen, to introduce Ordinance No. 1886 adopting the 2013 California Building Code; Ordinance No. 1887 adopting the Mechanical Code; Ordinance No. 1888 adopting the Electrical Code; Ordinance No. 1889 adopting the Plumbing Code; Ordinance No. 1890 adopting the Residential Code; Ordinance No. 1891 adopting the Green Building Standard Code; and Ordinance No. 1892 adopting the Fire Code.

H. Communications - None

I. Regular Calendar - None

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:02 p.m.

ATTEST:

Randi Johl-Olson  
City Clerk