

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 20, 2013**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of November 20, 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-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) 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

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.

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

A. Call to Order / Roll Call

The Regular City Council meeting of November 20, 2013, was called to order by Mayor Nakanishi at 7:10 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-Olson

B. Presentations

B-1 Presentation of Certificates of Appreciation to the Lodi Police Partners Program (CLK)

Mayor Nakanishi presented a Certificate of Appreciation to the Lodi Police Partners Program for its contributions to the City and Certificates to the following individuals involved with the Program: Stan Sogsti, Chair, Partners Board of Directors; Jan Talken, Vice Chair, Partners Board of Directors; Carol Roe, Treasurer, Partners Board of Directors; Lynn Benbrook, Secretary, Partners Board of Directors; Roy Platt, Sgt. of Arms, Partners Board of Directors; and Chet Somera, volunteer staff liaison to the Lodi Police Partners.

B-2 Presentation by Hospice of San Joaquin Regarding 2013 Tree of Lights (CM)

Butterfly Auxiliary Member Sharon Stokes gave a presentation regarding the 2013 Hospice Tree Lighting in the City of Lodi, which will take place on December 5, 2013, in front of Lodi City Hall.

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 \$2,433,722.96 (FIN)

Claims were approved in the amount of \$2,433,722.96.

C-2 Approve Minutes (CLK)

The minutes of November 5, 2013 (Shirtsleeve Session) and November 12, 2013 (Shirtsleeve Session) were approved as written.

C-3 Report of Sale of Surplus Equipment (PW)

Received report of sale of surplus equipment.

C-4 Approve Specifications and Authorize Advertisement for Bids for White Slough Water Pollution Control Facility Pond Fencing Project 2013 (PW)

Approved the specifications and authorized advertisement for bids for White Slough Water Pollution Control Facility Pond Fencing Project 2013.

C-5 Adopt Resolution Authorizing the City Manager to Approve the Sole Source Purchase of Replacement Dump Truck from Downtown Ford Sales, of Sacramento, and Appropriating Funds (\$43,250) (EU)

Adopted Resolution No. 2013-198 authorizing the City Manager to approve the sole source purchase of replacement dump truck from Downtown Ford Sales, of Sacramento, and appropriating funds in the amount of \$43,250.

C-6 Adopt Resolution Authorizing the City Manager to Approve the Purchase of Replacement

Electric Utility Bucket Truck from Altec Industries, Inc., of St. Joseph, Mo. (\$365,000) (EU)

Adopted Resolution No. 2013-199 authorizing the City Manager to approve the purchase of replacement Electric Utility bucket truck from Altec Industries, Inc., of St. Joseph, Mo., in the amount of \$365,000.

C-7 Adopt Resolution Awarding Contract for Sacramento Street Streetscape Project to A. M. Stephens Construction Company, Inc., of Lodi (\$1,182,228.40), and Appropriating Funds (\$518,784) (PW)

Adopted Resolution No. 2013-200 awarding contract for Sacramento Street Streetscape Project to A. M. Stephens Construction Company, Inc., of Lodi, in the amount of \$1,182,228.40 and appropriating funds in the amount of \$518,784.

C-8 Adopt Resolution Authorizing the City Manager to Execute Agreement for Purchase of Filter Cloth Socks for Tertiary Cloth Filter Equipment at White Slough Water Pollution Control Facility from Sole-Source Provider Aqua - Aerobic Systems, Inc., of Rockford, Ill. (\$33,000) (PW)

Adopted Resolution No. 2013-201 authorizing the City Manager to execute agreement for purchase of filter cloth socks for tertiary cloth filter equipment at White Slough Water Pollution Control Facility from sole-source provider Aqua - Aerobic Systems, Inc., of Rockford, Ill., in the amount of \$33,000.

C-9 Adopt Resolution Authorizing the City Manager to Execute Task Order No. 26 of the Master Professional Services Agreement for PCE/TCE Cleanup with Treadwell & Rollo, a Langan Company, of San Francisco (\$59,700), and Appropriating Funds (\$80,000) (PW)

Adopted Resolution No. 2013-202 authorizing the City Manager to execute Task Order No. 26 of the master Professional Services Agreement for PCE/TCE cleanup with Treadwell & Rollo, a Langan Company, of San Francisco, in the amount of \$59,700 and appropriating funds in the amount of \$80,000.

C-10 Adopt Resolution Authorizing the City Manager to Execute Agreement with Ray Morgan Company for Copier Maintenance (\$117,986) (CM)

Adopted Resolution No. 2013-203 authorizing the City Manager to execute agreement with Ray Morgan Company for copier maintenance in the amount of \$117,986.

C-11 Adopt Resolution Approving Submittal of Grant Documents to California Governor's Office of Emergency Services and Authorizing Transportation Manager to Submit All Necessary Paperwork and Reimbursement Requests (PW)

Adopted Resolution No. 2013-204 approving submittal of grant documents to California Governor's Office of Emergency Services and authorizing Transportation Manager to submit all necessary paperwork and reimbursement requests.

C-12 Adopt Resolution Authorizing the Chief of Police to Execute the AVOID the 10 Grant Funded by the Office of Traffic Safety and Appropriating Funds (\$20,000) (PD)

Adopted Resolution No. 2013-205 authorizing the Chief of Police to execute the AVOID the 10 grant funded by the Office of Traffic Safety and appropriating funds in the amount of \$20,000.

C-13 Adopt Resolution Accepting Grant from General Mills Foundation in Support of the Lodi

Public Library's Homework Help Program and Appropriating Funds (\$12,000) (LIB)

Adopted Resolution No. 2013-206 accepting grant from General Mills Foundation in support of the Lodi Public Library's Homework Help Program and appropriating funds in the amount of \$12,000.

C-14 Adopt Resolution Approving the Revised City of Lodi Renewables Portfolio Standard Procurement Plan and Enforcement Program (EU)

Adopted Resolution No. 2013-207 approving the revised City of Lodi Renewables Portfolio Standard Procurement Plan and Enforcement Program.

- 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 commended Public Works Director Wally Sandelin for the recent Lodi News Sentinel article and Rob Lechner for his recent meetings with commercial realtors and industrialists.

Council Member Mounce suggested a future meeting be held to ensure the community that our streets are safe in light of the recent accident involving the Miranda family. Ms. Mounce also suggested that an art project be considered for placement near the accident site commemorating the Miranda family.

Council Member Hansen reported on his attendance at the recent Northern California Power Agency meeting and stated the strategic planning session in January may include a second Lodi Energy Center discussion.

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

None.

G. Public Hearings

- G-1 Public Hearing to Consider Adopting Resolution Approving the Planning Commission's Recommendation to Authorize 232 Low-Density Residential Growth Management Allocations for FCB Homes (CD)
NOTE: This item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31

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 approving the Planning Commission's recommendation to authorize 232 low-density

residential Growth Management Allocations for FCB Homes.

Council Member Hansen recused himself from the discussion and vote on this item and left the room. Mr. Hansen's primary residence is located within the project area.

City Manager Rad Bartlam provided a brief PowerPoint presentation regarding the proposed approval of growth management allocations for FCB Homes as set forth in the Council Communication.

In response to Council Member Mounce, Mr. Bartlam stated the roundabout will be located at the intersection of Sargent Road and entry into the project, allow ease of traffic flow while minimizing traffic signal installation expense, the Woodbridge Irrigation District (WID) does not prefer public access to the canal although the proposed project does not impact the canal, and there are approximately 8 to 12 flag lots in the project.

In response to Mayor Nakanishi, Mr. Bartlam stated there is less of a traffic flow impediment with roundabouts, they are less expensive, and they were proposed in the plan since 2007.

In response to Council Member Mounce, Mr. Bartlam stated the proposed roundabout construction will be similar to the Turner Road roundabouts and there will be natural reduction in lanes.

Mayor Nakanishi opened the public hearing to receive public comment.

Lynn Benbrook spoke in regard to his concerns about the reduction of speed near Raley's while driving around the roundabout. Mr. Bartlam confirmed the project is single-family residences only.

Tom Doucette spoke in support of the proposed project as the developer, stating there are 9 flag lots, the development is independent of any action that may be taken by WID regarding the canal, and he is hopeful that construction will commence in the spring.

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

Mayor Nakanishi made a motion, second by Council Member Johnson, to adopt Resolution No. 2013-208 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, Council Member Mounce, Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Noes: None

Recusals: Council Member Hansen

Absent: None

H. Communications

H-1 Post for One Vacancy on the 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 vacancy:

Lodi Arts Commission

Tiffani Fink, term to expire July 1, 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 Monthly Protocol Account Report (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, to accept the cumulative Monthly Protocol Account Report through October 31, 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

I. Regular Calendar

I-1 Approve Lodi Tourism Business Improvement District 2014 Annual Report, Adopt Resolution of Intention to Levy Annual Assessment, and Set Public Hearing for December 18, 2013, to Consider the Proposed Assessment (CM)

NOTE: This item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31

Visit Lodi Executive Director Nancy Beckman provided a PowerPoint presentation regarding its Annual Report. Specific topics of discussion included targeted advertising, trade shows, promotions, customer service and hospitality, visitor publications, events and communications, downtown visitor center, campaign branding, transient orient tax (TOT), visitor information requests, and group sales.

Council Member Mounce commended Visit Lodi's use of funds in pursuing tourism for the City and suggested the downtown camera may be utilized for tourism purposes as well.

Council Member Hansen commended Visit Lodi's effort in retaining and building tourism in the area.

Council Member Hansen made a motion, second by Mayor Pro Tempore Katzakian, to approve Lodi Tourism Business Improvement District 2014 Annual Report, adopt Resolution No. 2013-209 of intention to levy annual assessment, and set public hearing for December 18, 2013, to consider the proposed assessment.

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-2 Adopt Resolution Certifying a Negative Declaration for the Climate Action Plan and Adopt Lodi Climate Action Plan (CD)

Neighborhood Services Manager Joseph Wood and AECOM Representative Jeff Goldman provided a PowerPoint presentation regarding the Climate Action Plan. Specific topics of discussion included reasons for preparation, incentives and benefits of the plan, process, emissions inventory numbers, measure development, and implementation of the plan.

In response to Council Member Mounce, Mr. Bartlam stated the General Plan references the Climate Action Plan and AB 32 and SB 375 have clear State requirements, which are incorporated in the Climate Action Plan. Mr. Bartlam stated the State does not require a Climate Action Plan currently, but it is his opinion that the State will likely require plans like the Climate Action Plan in the future to incorporate measures for greenhouse reductions. Council Member Mounce requested a copy of the video/audio and minutes from the previous discussion regarding the Climate Action Plan.

In response to Council Member Hansen, Mr. Goldman stated there is a link between the availability of funding and the efforts of an agency to comply with greenhouse reductions and related requirements.

In response to Council Member Mounce, Mr. Goldman stated an important benefit of the Climate Action Plan is that an agency does not have to do a project by project analysis or establish project specific measures for greenhouse reductions and can instead rely on the plan to show consistency.

In response to Council Member Johnson, Mr. Bartlam confirmed that the service population is expected to increase in the future based on full General Plan build out.

In response to Mayor Nakanishi, Mr. Bartlam confirmed that the Electric Utility Department was involved in the formulation of the plan, which cost approximately \$100,000. Council Member Mounce stated she believed the cost was \$120,000.

In response to Council Member Hansen, Mr. Goldman stated he has not heard of any guidelines for the near future requiring additional greenhouse gas reductions other than those already approved by the Legislature.

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2013-210 certifying a Negative Declaration for the Climate Action Plan and adopt Lodi Climate Action Plan.

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

J. Ordinances

J-1 Adopt Ordinance No. 1886 Entitled, "An Ordinance of the Lodi City Council Adopting the ? 2013 California Building Code,' Volumes 1 And 2; Thereby, Repealing and Reenacting Lodi Municipal Code Chapter 15.04 in Its Entirety" (CLK)

Council Member Hansen 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. 1886 entitled, "An Ordinance of the Lodi City Council Adopting the '2013 California

Building Code, Volumes 1 And 2; Thereby, Repealing and Reenacting Lodi Municipal Code Chapter 15.04 in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held November 6, 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

Abstentions: Council Member Mounce

Absent: None

J-2 Adopt Ordinance No. 1887 Entitled, "An Ordinance of the Lodi City Council Adopting the ? 2013 California Mechanical Code"; Thereby, Repealing and Reenacting Lodi Municipal Code Chapter 15.08 in Its Entirety" (CLK)

Council Member Hansen 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. 1887 entitled, "An Ordinance of the Lodi City Council Adopting the '2013 California Mechanical Code'; Thereby, Repealing and Reenacting Lodi Municipal Code Chapter 15.08 in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held November 6, 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

Abstentions: Council Member Mounce

Absent: None

J-3 Adopt Ordinance No. 1888 Entitled, "An Ordinance of the Lodi City Council Adopting the ? 2013 California Electrical Code"; Thereby, Repealing and Reenacting Lodi Municipal Code Chapter 15.16 in Its Entirety" (CLK)

Council Member Hansen 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. 1888 entitled, "An Ordinance of the Lodi City Council Adopting the '2013 California Electrical Code'; Thereby, Repealing and Reenacting Lodi Municipal Code Chapter 15.16 in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held November 6, 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

Abstentions: Council Member Mounce

Absent: None

J-4 Adopt Ordinance No. 1889 Entitled, "An Ordinance of the Lodi City Council Adopting the ? 2013 California Plumbing Code"; Thereby, Repealing and Reenacting Lodi Municipal Code Chapter 15.12 in Its Entirety" (CLK)

Council Member Hansen 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. 1889 entitled, "An Ordinance of the Lodi City Council Adopting the '2013 California Plumbing Code'; Thereby, Repealing and Reenacting Lodi Municipal Code Chapter 15.12 in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held November 6, 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

Abstentions: Council Member Mounce

Absent: None

J-5 Adopt Ordinance No. 1890 Entitled, "An Ordinance of the Lodi City Council Adopting the ? 2013 California Residential Building Code'; Thereby, Repealing and Reenacting Lodi Municipal Code Chapter 15.06 in Its Entirety" (CLK)

Council Member Hansen 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. 1890 entitled, "An Ordinance of the Lodi City Council Adopting the '2013 California Residential Building Code'; Thereby, Repealing and Reenacting Lodi Municipal Code Chapter 15.06 in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held November 6, 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

Abstentions: Council Member Mounce

Absent: None

J-6 Adopt Ordinance No. 1891 Entitled, "An Ordinance of the Lodi City Council Adopting the ? 2013 California Green Building Standard Code'; Thereby, Repealing and Reenacting Lodi Municipal Code Chapter 15.18 in Its Entirety" (CLK)

Council Member Hansen 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. 1891 entitled, "An Ordinance of the Lodi City Council Adopting the '2013 California Green Building Standard Code'; Thereby, Repealing and Reenacting Lodi Municipal Code Chapter 15.18 in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held November 6, 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

Abstentions: Council Member Mounce

Absent: None

J-7 Adopt Ordinance No. 1892 Entitled, "An Ordinance of the Lodi City Council Adopting the ?

2013 California Fire Code'; Thereby, Repealing and Reenacting Lodi Municipal Code Chapter 15.20 in Its Entirety" (CLK)

Council Member Hansen 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. 1892 entitled, "An Ordinance of the Lodi City Council Adopting the '2013 California Fire Code'; Thereby, Repealing and Reenacting Lodi Municipal Code Chapter 15.20 in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held November 6, 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

Abstentions: Council Member Mounce

Absent: None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:40 p.m., in memory of the Miranda family -- Luis, Vivian and her unborn child, Irving, Jose, and Stephanie -- who passed away on October 22 and John Talbot, who passed away on November 10.

ATTEST:

Randi Johl-Olson
City Clerk