

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 6, 2014**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of August 6, 2014, was called to order by Mayor Katzakian at 6:50 p.m.

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

Absent: None

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Robison

C-2 Announcement of Closed Session

- a) Prospective Acquisition of Real Property; Price and Terms of Payment Under Negotiation; City Negotiators, Public Works Director Wally Sandelin and John F. Almazan, Senior Real Estate Agent, Interwest Consulting Group; Pursuant to Government Code Section 54956.8: 1) A Portion of Property Located at 13160 North West Lane (APN 058-110-47), Negotiating Party: F&L Costa Family L.P. (Felix Costa & Sons); and 2) A Portion of Property Located at 120 East Harney Lane (APN 058-130-24), Negotiating Party: Diane Y. Tsutsumi and Gary Tsutsumi, Trustee of the Gary & Joyce Tsutsumi 2011 Trust

C-3 Adjourn to Closed Session

At 6:50 p.m., Mayor Katzakian adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:58 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:03 p.m., Mayor Katzakian reconvened the City Council meeting, and City Attorney Magdich disclosed the following action.

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

A. Call to Order / Roll Call

The Regular City Council meeting of August 6, 2014, was called to order by Mayor Katzakian at 7:03 p.m.

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

Absent: None

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Robison

B. Presentations - None

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

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

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$15,673,060.67 (FIN)

Claims were approved in the amount of 15,673,060.67.

C-2 Approve Minutes (CLK)

The minutes of July 10, 2014 (Special Joint Meeting w/Lodi Arts Commission), July 15, 2014 (Shirtsleeve Session), July 16, 2014 (Regular Meeting), July 22, 2014 (Shirtsleeve Session), July 22, 2014 (Special Meeting), and July 29, 2014 (Shirtsleeve Session) were approved as written.

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

Received report of sale of surplus equipment.

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 Approve Specifications and Authorize Advertisement for Bids to Procure Underground Electric Utility Cable (EU)

Approved the specifications and authorized advertisement for bids to procure underground electric utility cable.

C-6 Adopt Resolution Authorizing Purchase of 2014 Vac-Con Combination Sewer and Storm Drain Cleaner from Municipal Maintenance Equipment, of Sacramento (\$397,066.32) (PW)

Adopted Resolution No. 2014-131 authorizing the purchase of 2014 Vac-Con Combination Sewer and Storm Drain Cleaner from Municipal Maintenance Equipment, of Sacramento, in the amount of \$397,066.32.

C-7 Adopt Resolution Approving Purchase of Bucket Truck from Altec Industries Inc., of Dixon (\$141,463.27) (EU)

Adopted Resolution No. 2014-132 approving purchase of bucket truck from Altec Industries Inc., of Dixon, in the amount of \$141,463.27.

C-8 Adopt Resolution Awarding Contract for Turner Road Overlay, Loma Drive to Pleasant Avenue, to George Reed, Inc., of Modesto (\$664,081) (PW)

Adopted Resolution No. 2014-133 awarding contract for Turner Road Overlay, Loma Drive to Pleasant Avenue, to George Reed, Inc., of Modesto, in the amount of \$664,081.

C-9 Adopt Resolution Awarding Contract for 2014 Crack Sealing, Various City Streets, to Graham Contractors, Inc., of San Jose (\$60,416.13), and Appropriating Funds (\$15,000)

(PW)

Adopted Resolution No. 2014-134 awarding contract for 2014 Crack Sealing, Various City Streets, to Graham Contractors, Inc., of San Jose, in the amount of \$60,416.13, and appropriating funds in the amount of \$15,000.

C-10 Adopt Resolution Awarding Contracts for Fire Station No. 2 Replacement Project to Diede Construction, Inc., of Woodbridge, for Construction (\$4,227,740) and Neil O. Anderson and Associates, of Lodi, for Construction Testing and Inspection Services (\$150,000) and Appropriating Funds (\$5,231,400) (PW)

This item was removed from the Consent Calendar by Council Member Nakanishi for comment and Council Member Johnson for further discussion.

In response to Council Member Nakanishi, City Manager Schwabauer confirmed that the Fire Station No. 2 project is not being funded by debt and explained it is being funded through a combination of funding: restructuring of the general fund debt and saved interest rates; savings from sales tax received as part of the Lodi Energy Center project; the capital fund; unanticipated three percent growth in property tax; and money from the vehicle replacement fund in the Fire department.

Council Member Johnson expressed his concern that, although Fire Station No. 2 is in dire need of repair, the project came in over budget and aspects of the project should be refined in order to reduce the cost. For that reason, he could not support the motion.

Construction Project Manager Gary Wiman stated that staff has met with the contractor and there are options to reduce some of the costs, but not enough to make up the difference in the final contract price. Additionally, \$500,000 is marked as contingency and the hope is that by project end enough credits and changes will be worked out to return the contingency amount. A major factor of the project was that it fit aesthetically with the community, including the Lincoln School site; the Site Plan and Architectural Review Committee unanimously approved the project; and the building will be 500 square feet larger than Fire Station No. 4. The primary reason for the increase in cost is due to the economy, and staff will work with Diede Construction on value engineering to try to reduce the costs.

In response to Council Member Mounce, Mr. Wiman stated that the project was developed with experienced architects familiar with fire stations and meetings were held with fire staff to ensure the design met the department's needs. Ms. Mounce stated that she trusted staff would be good stewards of taxpayer dollars on this project and it would be a significant improvement to Cherokee Lane.

In response to Mayor Pro Tempore Hansen, Mr. Wiman stated that the anticipated construction time is 15 months, staff has performed a site investigation, and there is need for minor asbestos abatement. Mr. Hansen expressed support for this project, stating that this facility will be used 24 hours a day every day and it is an efficient layout.

In response to Council Member Nakanishi, Mr. Wiman stated that the building is anticipated to last for a minimum of 50 years and the oldest station, Fire Station No. 1, was built in 1967.

Council Member Mounce made a motion, second by Mayor Katzakian, to adopt Resolution No. 2014-138 awarding contracts for Fire Station No. 2 Replacement Project to Diede Construction, Inc., of Woodbridge, for construction in the amount of \$4,227,740 and Neil O. Anderson and Associates, of Lodi, for construction testing and inspection services in the amount of \$150,000 and appropriating funds in the amount of \$5,231,400.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Johnson

Absent: None

C-11 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement with Neil O. Anderson and Associates, of Lodi, for Construction Testing and Inspection Services for Rose Gate Subdivision Project (\$150,000) (PW)

Council Member Mounce questioned when the developer would be reimbursing the City for this cost, to which Public Works Director Wally Sandelin responded that the payment has been submitted.

Adopted Resolution No. 2014-135 authorizing the City Manager to execute Professional Services Agreement with Neil O. Anderson and Associates, of Lodi, for construction testing and inspection services for Rose Gate Subdivision Project in the amount of \$150,000.

C-12 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement with the Salvation Army for Administration and Implementation of the Lodi CARE Package Program (\$60,000) (EU)

Adopted Resolution No. 2014-136 authorizing the City Manager to execute Professional Services Agreement with the Salvation Army for administration and implementation of the Lodi CARE Package Program in the amount of \$60,000.

C-13 Adopt Resolution Authorizing the Public Works Director, City Engineer, or Part-Time Senior Civil Engineer to Execute and Accept Dedications on Final Parcel Maps (PW)

Adopted Resolution No. 2014-137 authorizing the Public Works Director, City Engineer, or part-time Senior Civil Engineer to execute and accept dedications on final parcel maps.

C-14 Receive Update on Emergency Condition at White Slough Water Pollution Control Facility Digesters No. 1 and No. 2 (PW)

This item was removed from the Consent Calendar at the request of John Slaughterback, member of the public.

John Slaughterback questioned why these digesters cost the City \$3 million and suggested there are procedures that staff could have taken to prevent this from being an emergency, including taking one digester offline to be repaired while the others continued to operate. He believed this cost would be passed onto rate payers and he did not appreciate the City using the scare tactic of fines from the State control board, stating that he believed the board would be willing to work with the City if it were making reasonable attempts to correct an issue in order to meet the permit obligations. He requested to receive information on why this project was so costly.

Council Member Mounce suggested a Shirtsleeve Session on this matter. City Manager Schwabauer responded that he believed staff adequately presented its reasons to proceed with this project and he felt certain that Mr. Slaughterback would not accept the City's answer even if it were further explained at a Shirtsleeve Session.

Council Member Johnson stated he was not interested in revisiting the issue; however, he was

curious about Mr. Slaughterback's point regarding the State control board. Typically the board is willing to work with cities during the permit approval process and he questioned why the board would not be willing to do so in this case, thereby, avoiding the emergency situation. He requested further explanation on that issue, to which Mr. Schwabauer responded he would provide Council with the information.

Mayor Pro Tempore Hansen described past experiences with the board and recalled that staff believed the board may be willing to work with the City on this situation, to which Public Works Director Wally Sandelin stated that the board will typically work with an agency as long as it can demonstrate that it is taking all appropriate measure to move forward quickly.

In response to Council Member Mounce, Mr. Schwabauer stated that the steel roofs on the digesters were 40 years old and are in a constant corrosive environment, which contributed greatly to its deteriorated condition. He felt confident that current technology exists that would coat the metal in a much more efficient manner than what existed 40 years ago. Ms. Mounce stated that the City needs to be more mindful of its community assets to ensure they are maintained properly and will not need to be repaired in an emergency situation.

In response to Mayor Katzakian, Mr. Sandelin stated that the plan is to repair one first, followed by the second, keeping one in operation. He stated he would return to Council with information regarding a maintenance software system.

Mayor Katzakian made a motion, second by Mayor Pro Tempore Hansen, to accept the update on emergency condition at White Slough Water Pollution Control Facility Digesters No. 1 and No. 2.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-15 Set Public Hearing for September 3, 2014, to Consider and Approve the 2013/14 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report and an Amendment of the 2014/15 Action Plan to Accommodate the Reallocation of Unused CDBG Funds from Previous Years (CD)

Set public hearing for September 3, 2014, to consider and approve the 2013/14 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report and an amendment of the 2014/15 Action Plan to accommodate the reallocation of unused CDBG funds from previous years.

- 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 6.31). 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 Nakanishi reported on a successful National Night Out, which had a turnout of 71 neighborhood groups. He thanked Senior Volunteer and Crime Prevention Coordinator Chet Somera and the Lodi Police Department for organizing the event. Many of the citizen questions focused on gangs in Lodi and a majority of the people he spoke with felt that Lodi was a safe community. He noticed there were no organized parties on the east side and he encouraged neighbors and churches in that area to participate next year.

Council Member Mounce also commented on National Night Out, stating she attended three parties, including one at Casa de Lodi, which were on the east side; residents along the river complained of homeless individuals and reports of fires and thefts due to these uninvited guests; and a majority of seniors at Casa de Lodi expressed fear of walking through the complex. She informed the public that Council has asked for a Shirtsleeve Session to discuss the homeless situation and ways to find safer, more agreeable locations for activities aimed at helping these individuals. Ms. Mounce reported that she was reappointed as the League of California Cities at-large member of the board of directors, on which she has served since 2009.

Council Member Johnson applauded Caltrans for its efforts to clean up the accumulation of brush and dead trees and grass on the east side of Turner Road near Casa de Lodi, which had caused several fires in the area; however, he requested that Caltrans be contacted to clean the debris and trash from the Highway 99 off ramps throughout Lodi.

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

None.

G. Public Hearings

NOTE: The following public hearing items were heard out of order.

G-2 Public Hearing to Consider Adopting Resolution Approving the Planning Commission's Recommendation to Authorize 227 Medium-Density Residential and 330 High-Density Residential Growth Management Allocations for Reynolds Ranch Subdivision (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 Katzakian called for the public hearing to consider adopting resolution approving the Planning Commission's recommendation to authorize 227 medium-density residential and 330 high-density residential Growth Management Allocations for Reynolds Ranch Subdivision.

Senior Planner Craig Hoffman provided a PowerPoint presentation regarding the request to authorize 227 medium-density residential and 330 high-density residential Growth Management Allocations for the Reynolds Ranch subdivision. Specific topics of discussion included details of the request, vicinity and subdivision maps, Planning Department guidelines, Growth Management Allocation history, Growth Management Allocation for 2014, Growth Management Allocations for Reynolds Ranch, environmental review, and recommendation.

In response to Council Member Mounce, Dale Gillespie, representing Reynolds Ranch, stated the project is divided into three phases, the first of which is the largest, and he anticipated three years for the project to fully develop, depending on market forces. In further response, Mr. Gillespie confirmed that the Planning Commission approved and vested the subdivision map at its June 25 meeting.

In response to Mayor Pro Tempore Hansen, Mr. Gillespie clarified that the phase, which includes the 227 single-family homes, would potentially be built in three years, but the 330 high-density units would be built in phases and he did not have a timeframe yet for that portion of the project.

Mayor Katzakian opened the public hearing for public comments.

Receiving no public comments, Mayor Katzakian closed the public hearing.

Council Member Mounce stated she could not support this request because of the loophole in the vesting tentative map process that locks in the impact fee at the lower rate, which was intended to be temporary. She expressed disappointment that the Planning Commission approved this project knowing Council had this concern and was planning to correct it.

Mayor Pro Tempore Hansen made a motion, second by Mayor Katzakian, to adopt Resolution No. 2014-139 approving the Planning Commission's recommendation to authorize 227 medium-density residential and 330 high-density residential Growth Management Allocations for Reynolds Ranch Subdivision.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Mounce

Absent: None

G-1 Public Hearing to Consider and Adopt Resolutions of Necessity for the Acquisition in Eminent Domain of Certain Real Property for Public Purposes, Namely the Real Property Identified Below, in Connection with the Harney Lane Grade Separation Project: a) A Portion of Property Located at 13160 North West Lane (APN 058-110-47), Negotiating Party: F&L Costa Family L.P. (Felix Costa & Sons); and b) A Portion of Property Located at 120 East Harney Lane (APN 058-130-24), Negotiating Party: Diane Y. Tsutsumi and Gary Tsutsumi, Trustee of the Gary & Joyce Tsutsumi 2011 Trust (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 Katzakian called for the public hearing to consider and adopt resolutions of necessity for the acquisition in eminent domain of certain real property for public purposes, namely the real property identified below, in connection with the Harney Lane Grade Separation Project: a) a portion of property located at 13160 North West Lane (APN 058-110-47), negotiating party: F&L Costa Family L.P. (Felix Costa & Sons); and b) a portion of property located at 120 East Harney Lane (APN 058-130-24), negotiating party: Diane Y. Tsutsumi and Gary Tsutsumi, Trustee of the Gary & Joyce Tsutsumi 2011 Trust.

City Attorney Magdich provided a presentation regarding the resolutions of necessity for the acquisition in eminent domain of certain real property for public purposes in connection with the Harney Lane Grade Separation Project. Specific topics of discussion included the number of acres being acquired from the two remaining properties, F&L Costa Family and the Tsutsumi Trust; the construction of an overhead grade crossing over the tracks and widening of Harney Lane between Hutchins and Stockton Streets; main objectives of the project; past and on-going negotiations with both property owners; resolutions of necessities and description of the four findings Council must make; and recommendation.

In response to Council Member Nakanishi, Ms. Magdich confirmed that this action would give the City eminent domain power if the parties cannot reach an agreement and that the purpose of acquiring these property rights is for public interest and not for financial gain.

In response to Mayor Pro Tempore Hansen, Ms. Magdich stated that negotiations were initially with ten property owners, agreements have been reached with eight, and two property owners remain.

In response to Council Member Johnson, Ms. Magdich stated there is a detailed process involved with this procedure that will take time and the City needs to be ready for construction, including the acquisition of properties, in order to accept the funds when they become available in January 2015.

City Manager Schwabauer informed Council that the two remaining properties are the largest pieces of property being acquired and both have a number of factors associated with their operations that have affected the timing of negotiations, but both property owners have been cooperative and responsive during this process.

Mayor Katzakian opened the public hearing for public comment.

Steve Herum, representing both the Costa Family and the Tsutsumi Trust, expressed appreciation to the City Manager and City Attorney for their positive, professional, and understanding approach during this negotiation process. He stated his clients' goal is to reach agreement without litigation being filed and they are opposed to the proposed resolutions. He disagreed with the finding that the proposed project will be "most compatible with the public good and the least private injury," stating that the design to build the project as an overpass, versus an underpass, takes a greater amount of property from property owners. The selected design is not the one with the least amount of suffering and cost, and he stated his clients should be appropriately compensated for their loss. He stated that, if Council were to approve the resolutions of necessity tonight, a lawsuit can be filed the next day, which could potentially stifle negotiations. He requested Council postpone this decision and give the parties time to reach agreement.

Felix Costa also expressed appreciation to staff for its time, consideration, and the professional manner in which it has handled the negotiations thus far. He stated the overhead alternative selected by Council was the less expensive option for the City; however, it placed a greater burden on the property owners by taking three times more land and, for his property, eliminating 3.5 acres of trees, which represents a loss of income. Mr. Costa detailed the issues he is faced with as a cherry grower and how timing of this project could negatively affect his operations. He requested additional time for the parties to negotiate an agreement.

In response to Mayor Pro Tempore Hansen, Mr. Costa stated he felt City staff had a good understanding on his timing issues relating to irrigation.

Gary Tsutsumi, representing the Tsutsumi family trust, stated that progress has been made during negotiations and requested that Council not move forward with the resolutions of necessity so that the parties can continue to negotiate in good faith. He too detailed the issues he is faced with as a cherry and grape grower and how the schedule impacts his business. He felt that the property owners are being faced with the greatest impact from this project and not enough consideration has been given to the burdens and financial impacts with which they are facing.

Mike Carouba suggested that, in the future, staff handle negotiations of this type, versus contracting it out, as it is well-equipped to do so and it would speed up the process.

Doug Kuehne commented that he worked for the Costa family in the past and spoke very highly of how the Costa family business is managed, adding that he would not like to see them lose any trees.

There being no further public comments, Mayor Katzakian closed the public hearing.

In response to Council Member Nakanishi and Mayor Katzakian, Ms. Magdich suggested Council approve the resolutions of necessity but direct staff to hold off filing a lawsuit for 30 days or a date certain in order to keep this project on schedule.

Council Member Mounce stated she would not support this request because she is adamantly opposed to eminent domain and stated the parties should be given additional time to reach an agreement.

Mayor Pro Tempore Hansen stated he would support the 30-day extension to file the lawsuit and questioned what will happen once the motion is filed. Ms. Magdich responded that filing the action in court does not mean immediate possession of the land and there are time limits and noticing requirements associated with such action. Mr. Hansen added that the City hired a consultant to handle the property negotiation because it would have been a substantial undertaking for staff to negotiate with all ten property owners on its own.

Council Member Johnson reminded the public that this process of acquiring property rights is for portions of properties only and no one will be displaced.

Council Member Johnson made a motion, second by Mayor Katzakian, to adopt the following resolutions of necessity for the acquisition in eminent domain of certain real property for public purposes, namely the real property identified below, in connection with the Harney Lane Grade Separation Project: a) Resolution No. 2014-140 regarding a portion of property located at 13160 North West Lane (APN 058-110-47), negotiating Party: F&L Costa Family L.P. (Felix Costa & Sons); and b) Resolution No. 2014-141 regarding a portion of property located at 120 East Harney Lane (APN 058-130-24), negotiating party: Diane Y. Tsutsumi and Gary Tsutsumi, Trustee of the Gary & Joyce Tsutsumi 2011 Trust; and further directed the City Attorney to hold the resolutions in abeyance for 30 days, after which the City Attorney has the authority to proceed with filing the law suit, if necessary.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Mounce

Absent: None

H. Communications

H-1 Appointments to the Library Board of Trustees, Lodi Arts Commission, and Lodi Planning Commission (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, to make the following appointments:

Library Board of Trustees

Charlene Martin, term to expire June 30, 2017

Lodi Arts Commission

Tabitha Johnson, term to expire July 1, 2017

Catherine Metcalf, term to expire July 1, 2017

Richard Vasquez, term to expire July 1, 2016

Lodi Planning Commission

William Cummins, term to expire June 30, 2018

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I. Regular Calendar

I-1 Provide Direction Regarding Wine Country Cardroom and Restaurant Request for Ordinance Change Increasing the Number of Tables Allowed and Use of "Casino" in Signage (CA)

City Attorney Magdich provided a presentation regarding the request of Wine Country Cardroom and Restaurant for an ordinance change increasing the number of tables allowed and permitting the use of "casino" in its signage. Specific topics of discussion included the history of ordinance amendments, current request to increase the number of tables to 15 and to add "casino" to its signage and advertising, and Council's past action to prohibit the use of "casino" in signage.

In response to Council Member Nakanishi, Ms. Magdich stated that currently the ordinance allows 13 tables in the City and Wine Country is requesting to increase that number to 15, which is the maximum allowed under State law. City Manager Schwabauer added that State legislation has allowed the expansion in small increments and is driven by the number of tables that were in place when this first went into law. In further response, Mr. Schwabauer stated that, if this increase to 15 tables is approved and Wine Country expands by two tables, there would be no further tables available to add in Lodi.

Council Member Johnson expressed his opinion that increasing to 15 tables seemed acceptable because it meets the maximum provided by law. He further believed that the use of the word "casino" was acceptable because, by definition, "casino" means a place in which one can play cards. In response to Mr. Johnson regarding the process to implement these changes, Ms. Magdich stated she would submit the revised draft ordinance to the attorney general for review and, following approval, return to Council for ordinance adoption. She further stated that the gaming control act does not define casino or cardroom, but it allows controlled games and is defined as card games. Indian gaming is completely different.

Council Member Mounce stated that the applicants assured Council the last time it increased the number of tables that it would be the last request. She added that she understands the law changed and she was not opposed to the increase in number of tables. She is, however, adamantly opposed to the use of the word "casino," stating that the word is indicative of a place that has slot machines, comedy acts, concerts, hotels, and amenities such as a pool and spa. She felt it would be false advertising to promote the Wine Country Cardroom as a casino. She stated she would be willing to compromise on the increased table request if the request to use "casino" on signage were dropped.

Council Member Johnson countered that no complaints have been received on the use of "casino" and those frequenting the business understand that it does not have a spa, tennis courts, or other such amenities. It is strictly a place to play cards.

Council Member Nakanishi expressed support for the request to increase the number of tables

and to use "casino" in signage, based on the fact that the cardroom in Lodi has been a good partner with the City and is in a safe location.

At the request of Mayor Pro Tempore Hansen, Captain David Griffin reported that the Lodi Police Department has not had significant problems with the cardroom, only minor calls similar to any other business, and the Police Department has issued no opinion on the use of "casino" in its signage.

In response to Mayor Pro Tempore Hansen, Chris Ray, owner of the Wine Country Cardroom and Restaurant, stated there are two casinos in Stockton, he felt the word "casino" was a more positive and understandable description of the type of business, and his is one of the few establishments that still serves food in Lodi after 10 p.m.

In response to Mayor Pro Tempore Hansen, Ms. Magdich stated that, under the act, this type of business can only provide controlled games such as Poker, Pai Gow, and tile games and the Indian Gaming Act includes slot machines. Unless State law changes, a casino cannot morph into an establishment approved for Indian land. It is strictly limited to table card games.

In response to Council Member Mounce, Mr. Ray stated the casinos in Stockton do not have slot machines as those are only permitted on Indian land. Ms. Mounce expressed concern that a casino would be at the gateway of the community and was disappointed that Council did not wish to compromise on the signage.

Council Member Johnson made a motion, second by Mayor Katzakian, to direct staff to proceed with the request of Wine Country Cardroom and Restaurant for an ordinance change increasing the number of tables allowed and the use of "casino" in signage.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Mounce

Absent: None

I-2 Receive Report on Resident Canada Geese at Lodi Lake (PRCS)

Parks, Recreation, and Cultural Services Director Jeff Hood provided a PowerPoint presentation regarding the resident Canada geese at Lodi Lake. Specific topics of discussion included Canada geese facts and options the City can do to reduce the number of geese, including snow fencing, herding dogs, predator decoys, laser treatment, volunteer patrol, egg oiling, no-feeding ordinance and related signage, motorized harassment, sound repellents, grass treatment, strobe light, and lethal measures.

In response to Mayor Pro Tempore Hansen, Mr. Hood stated that the predator decoy is life-sized and is moved to various locations around the lake each day. In regard to the volunteer patrol program, Mr. Hood stated that all volunteers would attend an orientation and be identified by a marked vest and an identification card. In further response, Mr. Hood stated that many communities are dealing with similar issues and it is a matter of being vigilant as the geese will return as any attempts to be rid of them decrease. The addition of the park program coordinator position will be of great benefit in these efforts as one of this individual's duties will be to coordinate wildlife management strategies.

Mr. Hood stated that a majority of the goose eggs are in the island area or on the lawns of neighboring residences and the City would need permission from property owners if it wished to

pursue the egg oiling option.

In response to Mayor Katzakian, Mr. Hood stated that there are ducks at the lake; however, the largest population at the lake is the Canada geese. In further response, Mr. Hood stated the City would need a permit, which it could obtain online, to oil eggs.

In response to Mayor Pro Tempore Hansen, Mr. Hood stated there is an existing ordinance prohibiting feeding of animals, park officers spend a majority of their time educating visitors on the no-feeding law, and the few who feed the birds with remnants of a picnic lunch are not cited. The issue becomes a problem when visitors come to the lake with a substantial amount of food for the sole purpose of feeding the birds.

In response to Council Member Mounce, Mr. Hood stated that staff currently utilizes sound repellents at the lake and to date he has received no complaints from the neighboring residents. In further response, Mr. Hood stated that property owners on the other side of the lake have the right to hunt the geese, and City Attorney Magdich added that there are laws prohibiting the discharge of firearms in Lodi.

Council Member Nakanishi expressed support for the volunteer patrol program and the predator decoys.

Council Member Johnson stated this has been a problem for the last decade and several solutions have been implemented with limited success. He expressed hope that these efforts would be successful and stressed that it must be an on-going effort. Mr. Hood agreed, stating that the department will take a multi-pronged approach and be vigilant and disciplined toward this effort.

In response to Mayor Pro Tempore Hansen, Mr. Hood stated that adding egg oiling to the process would be an important addition as it has an effect over time. As the number of goslings produced each year decreases, it will begin to have an effect on the goose population at the lake. Other communities have had success with their volunteer programs and he was hopeful Lodi would receive a similar response to its call for volunteers.

Mark Wilcox suggested that homeless individuals be permitted to capture geese at the lake.

I-3 Introduce Ordinance Amending Lodi Municipal Code Section 17.52.120 (B) (1) to Add Submittal Requirements for a Vesting Tentative Map (CD)

Senior Planner Craig Hoffman provided a presentation regarding the ordinance to amend Lodi Municipal Code Section 17.52.120(B)(1) to add submittal requirements for a vesting tentative map, as detailed in the staff report.

In response to Council Member Nakanishi, Mr. Hoffman stated that the ordinances would take effect by the end of September. He further added that there are currently no new applications for subdivision maps and he did not expect any to be forthcoming.

Council Member Mounce pointed out that the developers who recently submitted maps all took advantage of the reduced impact fees and locked in the lower rates.

In response to Council Member Mounce's request, Mr. Schwabauer stated that staff would prepare an editorial for the newspaper to explain Lodi's impact fee structure and how it does not equally compare to other cities due to the fact that Lodi's impact fees are lower, but the City requires developers to pay more for other aspects of their projects.

Council Member Mounce made a motion, second by Council Member Nakanishi, to introduce Ordinance No. 1896 amending Lodi Municipal Code Section 17.52.120 (B) (1) to add submittal requirements for a vesting tentative map.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I-4 Adopt Resolution Approving the Classification and Salary Range for the Position of Watershed Program Coordinator (CM)

Human Resources Manager Adele Post provided a presentation regarding the classification and salary range request for the position of Watershed Program Coordinator, as further detailed in the staff report.

In response to Council Member Mounce, Ms. Post stated that a part-time employee is currently performing these duties and the recruitment would be for a full-time position open to anyone who is interested. The decision to eliminate the part-time position would be a budget decision made by the department.

In response to Council Member Nakanishi, Ms. Post stated that this is a new position that was created based on the needs of the stormwater and watershed program and would review regulations and educate the public on issues related to this program.

In response to Council Member Johnson, City Manager Schwabauer stated there is civil service protection for full-time regular employees in which a city cannot treat a temporary employee, such as a contract or part-time employee who does not receive benefits, as a regular employee. That is not the case here as the individual in this position is performing the duties in a part-time capacity and the City will be changing it to full time and adding additional duties that are being driven by increasing regulations.

In response to Council Member Johnson, Ms. Post stated that the position was approved in the budget and the job description requires college level experience in biology, in addition to other requirements related to water resource and protection. Mr. Schwabauer added that he is unsure whether the part-time incumbent is interested in this position, but he believed the individual does meet the qualifications.

Council Member Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2014-142 approving the classification and salary range for the position of Watershed Program Coordinator.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I-5 Adopt Resolution Approving the Classification and Salary Range for Position of Deputy City Clerk (CM)

Human Resources Manager Adele Post provided a presentation regarding the request to approve the classification and salary range for the position of Deputy City Clerk, as further detailed in the staff report.

Council Member Nakanishi commended staff for reviewing this position and reducing costs in the budget.

Council Member Mounce made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2014-143 approving the classification and salary range for Position of Deputy City Clerk.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I-6 Adopt Resolution Approving Revisions to the Job Description and Salary Range for the Position of Construction Project Manager (CM)

Human Resources Manager Adele Post provided a presentation regarding the classification and salary range request for the position of Construction Project Manager, as further detailed in the staff report.

Council Member Johnson made a motion, second by Mayor Pro Tempore Hansen, to adopt Resolution No. 2014-144 approving revisions to the job description and salary range for the position of Construction Project Manager.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I-7 Adopt Resolution Adding One Lead Dispatcher/Jailer and Deleting One Dispatcher/Jailer Position Within the Police Department (CM)

Human Resources Manager Adele Post provided a presentation regarding the addition of one Lead Dispatcher/Jailer and deletion of one Dispatcher/Jailer position with the Lodi Police Department, as further detailed in the staff report.

Mayor Pro Tempore Hansen acknowledged Construction Project Manager Gary Wiman, stating that he has done an outstanding job for the City of Lodi in handling projects in a professional manner on time and under budget. He further expressed support for this change in positions in the Police Department as he felt it was important to have a supervisory level in this type of classification.

Mayor Pro Tempore Hansen made a motion, second by Mayor Katzakian, to adopt Resolution No. 2014-145 adding one Lead Dispatcher/Jailer and deleting One Dispatcher/Jailer position within the Police Department.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J. Ordinances

J-1 Adopt Ordinance No. 1894 Entitled, "An Uncodified Ordinance of the Lodi City Council Levying and Apportioning the Special Tax in Territory Annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 1)" (CLK)

Council Member Mounce made a motion, second by Mayor Katzakian, to (following reading of the title) waive reading of the ordinance in full and adopt and order to print Ordinance No. 1894 entitled, "An Uncodified Ordinance of the Lodi City Council Levying and Apportioning the Special Tax in Territory Annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 1)," which was introduced at a regular meeting of the Lodi City Council held July 16, 2014.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-2 Adopt Ordinance No. 1895 Entitled, "An Ordinance of the City Council of the City of Lodi Repealing and Re-Enacting Lodi Municipal Code Title 6 - Animals - in Its Entirety" (CLK)

Council Member Mounce made a motion, second by Mayor Katzakian, to (following reading of the title) waive reading of the ordinance in full and adopt and order to print Ordinance No. 1895 entitled, "An Ordinance of the City Council of the City of Lodi Repealing and Re-Enacting Lodi Municipal Code Title 6 - Animals - in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held July 16, 2014.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 10:21 p.m.

ATTEST:

Jennifer M. Robison
City Clerk