

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JULY 16, 2008**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of July 16, 2008, was called to order by Mayor Mounce at 5:30 p.m.

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

Absent: None

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

C-2 Announcement of Closed Session

- a) Conference with Dean Gualco, Human Resources Manager (Labor Negotiator), Regarding Lodi Police Dispatchers Association, Police Mid-Managers, Fire Mid-Managers, and Association of Lodi City Employees Regarding General Services and Maintenance & Operators Pursuant to Government Code §54957.6

C-3 Adjourn to Closed Session

At 5:30 p.m., Mayor Mounce adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:55 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:04 p.m., Mayor Mounce reconvened the City Council meeting, and City Attorney Schwabauer reported that Item C-2(a) was discussion only and there was no reportable action.

A. Call to Order / Roll call

The Regular City Council meeting of July 16, 2008, was called to order by Mayor Mounce at 7:04 p.m.

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

Absent: None

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

B. Invocation - Pastor Ken Owen, Christian Community Concerns

C. Pledge of Allegiance

D. Presentations

D-1 Awards - None

D-2 Proclamations - None

D-3 Presentations - None

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

Mayor Pro Tempore Hansen made a motion, second by Council Member Johnson, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager:

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

E-1 Receive Register of Claims in the Amount of \$5,886,630.83 (FIN)

Claims were approved in the amount of \$5,886,630.83.

E-2 Approve Minutes (CLK)

The minutes of May 21, 2008 (Regular Meeting), July 1, 2008 (Shirtsleeve Session), and July 8, 2008 (Shirtsleeve Session) were approved as written.

E-3 Approve Plans and Specifications and Authorize Advertisement for Bids for the Finance Department Relocation from Leased Office Space to City-Owned Facility (PW)

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

City Manager King stated staff is moving down the path of relocating the Finance Department from leased property to City-owned property. He stated the current item involves authorizing bids for the tenant improvements needed for the City facility to effectuate the move for a longer-term savings.

In response to Council Member Hitchcock, Mr. Sandelin stated that, while the \$850,000 is not in the current budget, the funds will be appropriated at the time the contract is awarded and there will be a cost savings from the monthly rent.

In response to Council Member Hitchcock, Mr. King stated the current lease allows flexibility to allow the City to move forward and terminate the lease in six month increments.

Council Member Hitchcock made a motion, second by Council Member Katzakian, to approve the plans and specifications and authorize advertisement for bids for the Finance Department relocation from leased office space to City-owned facility.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

E-4 Approve Plans and Specifications and Authorize Advertisement for Bids for the Lodi Multi-Modal Station Driveway Replacement Project (PW)

Approved the plans and specifications and authorized advertisement for bids for the Lodi Multi -

Modal Station Driveway Replacement Project.

- E-5 Adopt Resolution Authorizing the City Manager to Negotiate and Purchase Four Type 2 Medium Bus (Dial-A-Ride) Transit Vehicles Off of the State Contract; Authorizing Conversion of the Four Vehicles to Compressed Natural Gas; and Appropriating Funds (\$380,000) (PW)

Adopted Resolution No. 2008-136 authorizing the City Manager to negotiate and purchase four Type 2 medium bus (Dial-A-Ride) transit vehicles off of the State contract; authorizing conversion of the four vehicles to compressed natural gas; and appropriating funds in the amount of \$380,000.

- E-6 Adopt Resolution Awarding the Purchase of Padmount Transformers to Various Vendors (\$148,908.36) (EUD)

Adopted Resolution No. 2008-137 awarding the purchase of padmount transformers to various vendors in the amount of \$148,908.36.

- E-7 Adopt Resolution Approving Downtown Parking Lot Cleaning Contract with United Cerebral Palsy of San Joaquin and Amador Counties, of Stockton, for Fiscal Year 2008-09 and Authorizing the City Manager to Execute the Contract (\$38,828) (PW)

Adopted Resolution No. 2008-138 approving Downtown parking lot cleaning contract with United Cerebral Palsy of San Joaquin and Amador Counties, of Stockton, for fiscal year 2008-09 in the amount of \$38,828 and authorizing the City Manager to execute the contract.

- E-8 Adopt Resolution Authorizing the City Manager to Execute a Contract Change Order with Western Water Constructors, Inc., of Santa Rosa, for Work Related to Concrete Lining of Sludge Lagoon No. 1 and Associated Equipment at the White Slough Water Pollution Control Facility and Appropriating \$900,000 (PW)

Adopted Resolution No. 2008-139 authorizing the City Manager to execute a contract change order with Western Water Constructors, Inc., of Santa Rosa, for work related to concrete lining of Sludge Lagoon No. 1 and associated equipment at the White Slough Water Pollution Control Facility and appropriating \$900,000.

- E-9 Report on Contract Change Orders for White Slough Water Pollution Control Facility Phase 3 Improvements Project 2007 (PW)

Received report on contract change orders for White Slough Water Pollution Control Facility Phase 3 Improvements Project 2007.

- E-10 Adopt Resolution Amending Traffic Resolution No. 97-148 by Approving a Multi-Way Stop Control at Intersection of Lockeford Street and Mills Avenue (PW)

Adopted Resolution No. 2008-140 amending Traffic Resolution No. 97-148 by approving a multi-way stop control at intersection of Lockeford Street and Mills Avenue.

- E-11 Adopt Resolution Authorizing the City Manager to Negotiate and Execute Cooperative Agreement with the San Joaquin Council of Governments for Dial-A-Ride Service (Fiscal Year 2008-09 to 2010-11) (\$360,000) (PW)

Adopted Resolution No. 2008-141 authorizing the City Manager to negotiate and execute Cooperative Agreement with the San Joaquin Council of Governments for Dial-A-Ride service

(fiscal year 2008-09 to 2010-11) in the amount of \$360,000.

E-12 Adopt Resolution Renewing Line of Credit with Farmers & Merchants Bank at No Cost to the City of Lodi for the Lodi Electric Utility through June 30, 2009 (\$3,000,000) (CM)

Adopted Resolution No. 2008-142 renewing the line of credit in the amount of \$3,000,000 with Farmers & Merchants Bank at no cost to the City of Lodi for the Lodi Electric Utility through June 30, 2009.

E-13 Authorize Funds from the Protocol Account for the City Council to Host a Reception Honoring Members of Council-Appointed Boards, Commissions, Committees, and Task Force Groups (Approximately \$2,600 / \$20 per person) (CLK)

Authorized funds in the amount of \$2,600 from the Protocol Account for the City Council to host a reception honoring members of Council-appointed boards, commissions, committees, and task force groups.

E-14 Receive Surface Water Treatment Facility Conceptual Design and Feasibility Evaluation Report (PW)

Received Surface Water Treatment Facility Conceptual Design and Feasibility Evaluation Report.

E-15 Set Public Hearing for September 3, 2008, to Consider Resolution Approving Reimbursement Agreement No. RA-08-01 for Public Improvements Constructed with the Vintner's Square Shopping Center (PW)

This item was **pulled** from the Consent Calendar and continued to the August 6, 2008, City Council meeting.

F. 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. The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Jennelle Bechthold of Central Valley Waste Services invited the public and City Council to participate in the free household hazardous and electronic waste collection event to be held on Saturday, July 19, 2008.

Gene Davenport spoke in favor of the San Joaquin Dive and Recovery Team, stating the County provided \$10,000 in funding to the effort. Mr. Davenport asked the City Council to commit to funding the effort for five years at \$500 or more per year as a benefit to the community. Mayor Mounce asked that the matter be placed on a future agenda for consideration and Mr. Davenport be notified accordingly.

David Williamson spoke in regard to his concerns for the Dial-A-Ride program, services for the disabled and senior community, fare increases, and possible solutions regarding fixed routes being completed by certain times of the day.

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

Council Member Johnson commended the Public Works Department on its tree trimming efforts on School Street. He also commented on an article in the Sacramento Bee regarding Roseville's jail and housing for rent program for potential inmates. In light of citizen inquiries, Mr. Johnson requested information regarding how City employee benefit packages generally compare to neighboring private sector companies of similar size, as well as the school district and County.

Mayor Mounce invited the public to attend the annual Hill House Museum ice cream social on July 19, 2008, and commended Electric Utility Director George Morrow on the Killelea substation dedication. She also asked that an item pertaining to a public safety initiative be placed on the next agenda for Council consideration and inquired about a cat leash law. City Clerk Johl stated the last day for a ballot measure is August 8, 2008. City Attorney Schwabauer stated that, while there is no longer a specific cat leash law, there is a general ordinance that prohibits animals from roaming freely. Council Member Johnson stated there may not be sufficient time to place a measure on the November ballot.

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

City Manager King encouraged Mr. Williamson to speak with Tiffani Fink regarding the Dial-A-Ride program versus the paratransit program, as it is the City's intent to provide greater services to eligible riders through the paratransit program. Mr. King also reported that the 2002 Electric Utility bonds were converted to a fixed rate of approximately 5% today and the City no longer has any variable rate debt nor any SWAPS.

At Mr. King's request, Streets & Drainage Manager George Bradley informed the public of the City's rubber chip seal project beginning on Monday, July 21, 2008. Mr. Bradley stated citizens were notified as necessary and the pertinent information, including the affected streets, is also available on the City's web page. Mr. King stated the material used for the project is recycled and meets with the City's sustainability goals.

I. Public Hearings - None

J. Communications

J-1 Claims Filed Against the City of Lodi - None

J-2 Appointments

a) Appointments to the Greater Lodi Area Youth Commission (Student Appointees):
Mykenzie Mattheis; Joshua Gums; Gordon Wong; Evan "Beau" Benko; Shelby Gotelli;
Kelsey Orr; and Emily McConahey (CLK)

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

Greater Lodi Area Youth Commission (Student Appointees):

Evan "Beau" Benko, Term to expire May 31, 2010
Shelby Gotelli, Term to expire May 31, 2010
Joshua Gums, Term to expire May 31, 2010
Mykenzie Mattheis, Term to expire May 31, 2010
Emily McConahey, Term to expire May 31, 2010
Kelsey Orr, Term to expire May 31, 2009
Gordon Wong, Term to expire May 31, 2009

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-3 Miscellaneous

a) Monthly Protocol Account Report (CLK)

Council Member Hitchcock made a motion, second by Mayor Mounce, to approve the cumulative Monthly Protocol Account Report through June 30, 2008.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

K. Regular Calendar

K-1 Provide Direction with Regard to Potential Revisions and Administrative Interpretations to Mobile Food Vending Ordinance, Lodi Municipal Code Section 9.18, "Vending on Streets, Sidewalks, and Private Property" (CD)

City Manager King briefly introduced the subject matter of the mobile food vendor ordinance.

Community Improvement Manager Joseph Wood provided a PowerPoint presentation regarding the mobile food vendor ordinance. Specific topics of discussion included review of the vendor ordinance, comprehensive regulations, purpose, phased implementation, application process, licensing and permits, site inspections and review, approval and denial of permitting, issues related to interpretation of the Code, multiple vendors on one property, self-contained operations, proximity to parks, and staff recommendations regarding the same.

In response to Council Member Hitchcock, Mr. Wood stated certain language could be crafted with respect to vendors in close proximity to neighborhood parks and competition in concession stands with the Lodi Boys and Girls Club or other non-profit organizations.

In response to Council Member Johnson, Mr. Wood stated after school programs are generally run at recreation centers and mobile food vendor ordinances typically keep the vendors away from schools and recreation centers.

In response to Mayor Mounce, Mr. Wood stated concerns regarding electrical boards are addressed in site reviews and through the permit to operate.

In response to Council Member Hitchcock, Mr. Wood stated electrical cords are generally permitted to run to outdoor electrical units, which are inspected to ensure proper installation, and trucks generally run to the building and out of the pedestrian way.

In response to Council Member Hitchcock, Mr. Wood stated the trucks do have the ability to be completely self-contained as a requirement of the County health permit. He stated a generator running continuously may be offensive to the surroundings.

Mayor Mounce and Council Member Hitchcock stated they do not support any type of electrical cords being exposed.

In response to Mayor Pro Tempore Hansen and Mayor Mounce, Mr. Wood stated concerns at any specific site, including Pine and Washington, can be addressed through an inspection and condition on the permit requiring hooking up directly to the wall.

Attorney David LeBeouf, speaking as a representative of some of the mobile food vendors operating in the City, stated there is a clear understanding of the ordinance and requested the Council not change the same. He also discussed concerns regarding the Kettleman Lane and Hutchins Street location, the 400-foot requirement, hook-up requirements that meet the Code, and the clear and concise language of the ordinance as it exists currently.

In response to Council Member Hitchcock, Mr. LeBeouf stated the electrical cords touching the ground are maintained in a safe manner so as to protect pedestrians and customers. He stated a generator is loud and smokey and the vendors are paying for electricity as a part of their lease.

In response to Council Member Hitchcock, Mr. Wood stated the zoning of a property is a separate issue from the subject ordinance. He stated if the Council desired to restrict electrical connections, the ordinance would need to state the same.

In response to Mayor Mounce, Mr. Wood stated staff is happy to address any concerns regarding electrical cords and seating on a case-by-case basis, which was the intent of the permitting process. He stated the vendors have responded to anything that has been pointed out to them.

In response to Council Member Johnson, Mr. Wood stated any improvements on the site are subject to approval through the permitting process and he is comfortable that the vendors will address complaints and there is an ability to enforce for lack of compliance.

In response to Mayor Pro Tempore Hansen, Mr. Wood stated 9 applicants were approved at the outset, he is unsure of which specific vendors use cords, 12 applicants now meet the interpretation of the ordinance, there are 6 remaining, and 3 have been denied primarily for parking.

In response to Mayor Pro Tempore Hansen, Mr. Wood confirmed that there are two sets of regulations for the public right of way and private property and the 400-foot regulation applies to the public right of way on the street.

In response to Mayor Mounce, Mr. Wood stated the Kettleman site consignment lot is operating unlawfully, the owner was notified, and enforcement is continuing.

Mayor Pro Tempore Hansen made a motion, second by Council Member Hitchcock, to direct staff to include language in the ordinance that reflects that mobile food vendors not operate in a manner or location so as to compete with the Lodi Boys and Girls Club concessions or other similar parks or non-profit concessions.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

Council Member Hitchcock made a motion, second by Mayor Mounce, to direct staff to include language in the ordinance applying the 400-foot requirement between vendors regulation to all locations.

VOTE:

The above motion failed by the following vote:

Ayes: Council Member Hitchcock, and Mayor Mounce

Noes: Mayor Pro Tempore Hansen, Council Member Johnson, and Council Member Katzakian

Absent: None

Mayor Pro Tempore Hansen made a motion, second by Mayor Mounce, to direct staff to retain the existing language in the ordinance regarding electricity with the caveat that specific location concerns, including safety concerns, are passed on to staff and addressed through the conditional use permit process for each site.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Hitchcock

Absent: None

K-2 Adopt Resolution Amending Traffic Resolution No. 97-148 by Establishing Terminal Access Routes on Harney Lane from Hutchins Street to Stockton Street and Lower Sacramento Road from Turner Road to the Food 4 Less/Walmart Southerly (Truck) Driveway (PW)

City Manager King briefly introduced the subject matter of establishing terminal access routes on designated streets.

Traffic Engineer Paula Fernandez provided a presentation and specifically discussed the proposed Surface Transportation Assistance Act (STAA) routes in Lodi, previous route history with the City limit expansion, the history of CHP contacting businesses and truck drivers and indicating certain routes are non-designated, CalTrans not concurring with the same, stakeholder meetings with the various agencies and interested parties, and the proposed recommendation of the removal of certain routes as indicated.

In response to Mayor Pro Tempore Hansen, Ms. Fernandez stated she is confident that this change with signage satisfies CalTrans.

In response to Mayor Pro Tempore Hansen, Ms. Fernandez confirmed that this issue was driven by CHP contacting CalTrans on the STAA routes.

In response to Mayor Pro Tempore Hansen, Ms. Fernandez stated that the proposed recommendation addresses the turning issue on Stockton Street.

In response to Council Member Hitchcock, Ms. Fernandez stated the addition to Harney Lane is because a 24/7 turn around is required and Lower Sacramento is ending at Food 4 Less providing a 24/7 through the shopping center which works.

In response to Council Member Hitchcock, Ms. Fernandez stated Turner Road still has a restriction for no vehicles over two axles unless they are picking up or dropping off in the City. She stated other streets have straight restrictions with no exceptions.

In response to Council Member Hitchcock, the STAA routes are provided for longer trucks and a bill was passed in 1982 that requires the routes.

Mayor Pro Tempore Hansen made a motion, second by Council Member Katzakian, to adopt Resolution No. 2008-143 amending Traffic Resolution No. 97-148 by establishing terminal access routes on Harney Lane from Hutchins Street to Stockton Street and Lower Sacramento Road from Turner Road to the Food 4 Less/Walmart southerly (truck) driveway.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

K-3 Discussion and Action on Contracts with Greyhound Lines and MV Transportation and Adopt Resolutions Related to Greyhound Ticket Sales as Appropriate (PW)

City Manager King briefly introduced the subject matter of the contracts with Greyhound Lines and MV Transportation.

Transportation Manager Tiffani Fink provided a presentation regarding the existing contracts with Greyhound and MV Transportation. She specifically discussed the contract with the previous agent, a similar offer from Greyhound after the agent was terminated, the letter received by many jurisdictions last spring about a nine percent reduction in the commission sales, and the City's option as listed in the staff report.

In response to Mayor Pro Tempore Hansen, Ms. Fink stated there was no specific discussion regarding the connection to fuel costs as other jurisdictions are seeing the same reductions.

Discussion ensued between Council Member Hitchcock and Ms. Fink regarding the lack of a specific preference from staff and the choice being the will of the City Council, receipt of \$125 for administrative oversight costs, previous receipt of rental fees, availability of the service to residents, and the City having a better deal than some of the other agencies.

In response to Council Member Johnson, Ms. Fink stated the nine percent does not reflect the loss of rent because rent is not charged and the only income is from commission sales. Mr. King clarified that there is no opportunity cost lost because there is no reservation space that could be freed up for someone else.

Mayor Pro Tempore Hansen made a motion, second by Mayor Mounce, to adopt Resolution No. 2008-144 authorizing the City Manager to execute an amendment with Greyhound Lines, Inc., to reduce ticket sales commission and to adopt Resolution No. 2008-145 authorizing the City Manager to execute amendment to contract for fixed route, paratransit, and demand response services with MV Transportation to reflect a Greyhound ticket commission split of 7.5% MV / 1.5% City.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Hitchcock, and Council Member Johnson

Absent: None

K-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Residential

Water Meter Installation Project (Phase 3); and Approve Solicitation of Bids for 1,930 Water Meters and 400 Electronic Radio Transponders (PW)

City Manager King briefly introduced the subject matter of the residential water meter installation.

Public Works Director Wally Sandelin briefly reviewed the recommendation to approve the plans and specifications for the completion of the installation of approximately 1,900 water meters for residents who have purchased the meters in conjunction with a building permit for a new home constructed in 1992 or later.

In response to Council Member Johnson, Mr. Sandelin stated the water meter cost is approximately \$500 each, which includes the radio transmitter that may be the difference in pricing for the Sacramento meters. He stated staff will bring back the comparative pricing on the meters when they return for award of contract.

Council Member Hitchcock made a motion, second by Council Member Katzakian, to approve the plans and specifications and authorize advertisement for bids for Residential Water Meter Installation Project (Phase 3); and approve solicitation of bids for 1,930 water meters and 400 electronic radio transponders.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

K-5 Introduce Ordinance Amending Lodi Municipal Code Chapter 13.16 - Solid Waste - by Repealing and Reenacting Section 13.16.010, "Definitions" (PW)

City Manager King briefly introduced the subject matter of the solid waste ordinance and revising the section pertaining to definitions.

Public Works Director Wally Sandelin stated staff was recommending that a revision be made to add a construction and demolition waste definition to reflect industrial waste generated from within the City. He stated this was an item that was agreed to in the context of negotiations with Waste Management. Mr. Sandelin stated the matter came about from an example where an industrial user produced industrial waste outside of the City and therefore another carrier could service that client within the City.

In response to Council Member Johnson, Mr. Sandelin stated the subject client is Constellation.

In response to Mayor Pro Tempore Hansen, Mr. Sandelin stated Constellation generates waste at the Woodbridge Road facility and it contracts with another carrier, other than Waste Management, to pick it up. He stated the contract was extended to include waste pick-up by the same carrier inside the City. City Attorney Schwabauer stated the question appears to be whether the original waste is a part of the waste generated inside or outside of the City as that may determine who services.

Jack Fiori, General Manager of California Waste Recovery Systems, stated he has a concern regarding the industrial waste definition in the City because it has the potential of affecting his business. Mr. Fiori recommended that the Council not take any action tonight to allow for the stakeholders to meet to discuss the matter and come up with a solution.

In response to Council Member Johnson, Mr. Fiori stated that, in addition to servicing the County, he is a permitted industrial waste collector in the City. He stated this work is outside of the franchise agreement with Waste Management.

Discussion ensued between Mayor Pro Tempore Hansen and Mr. Schwabauer regarding the affect of eliminating other vendors from doing business in the City and the question of what is industrial waste.

In response to Council Member Johnson, Mr. Fiori stated industrial waste is defined by the process involved in its generation, which is mechanicalized. Mr. King stated the question before the City Council is whether manufacturing in a facility outside the City necessarily makes the facility warehouse inside the City as a manufacturing business as well.

In response to Mayor Pro Tempore Hansen, Mr. Sandelin stated the proposed ordinance does not prohibit the collection of industrial waste within the City by other carriers. He stated it does prohibit a carrier from outside the City from claiming a facility inside the City is necessarily a manufacturing business generating industrial waste simply because the outside business is manufacturing.

In response to Council Member Hitchcock, Mr. King confirmed that the ordinance is attempting to close a loop hole clarifying that a business inside the City is not necessarily manufacturing simply because the outside business is manufacturing.

Thom Sanchez of Central Valley Waste Management stated this item was discussed as a part of the negotiations and clarification was requested regarding the definition of what constitutes industrial waste in the City.

In response to Mayor Pro Tempore Hansen, Mr. Sanchez stated the changing of the definition would affect the Constellation contract because it would indicate the warehouse facility in the City does not necessarily generate industrial waste because of its relationship to the manufacturing facility outside the City.

Council Member Johnson suggested tabling the matter to allow for additional research and dialogue amongst the stakeholders. Mr. King stated staff can also provide additional examples. A brief discussion ensued regarding whether additional information was needed or if the Council could act currently.

Council Member Johnson made a motion, second by Mayor Pro Tempore Hansen, to table the subject matter.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Hitchcock, and Mayor Mounce

Absent: None

K-6 Adopt Resolution Approving a Five Percent Pay Increase for the Community Development Director Position (CM)

City Manager King provided an overview of the recruitment for the Community Development Director. He specifically discussed the possibility of a five percent pay increase to create additional interest in the position, improvement of the candidate pool, the recommendation being supported by a below market analysis, the lack of a front runner candidate from the previous two panels, salary survey based on straight salary, and the need to maintain a differential

between like management positions.

Council Member Hitchcock stated she served on the interview panels and suggested increasing the salary range by 18% to 20% to bring the position in line with the market.

In response to Mayor Pro Tempore Hansen, Mr. King stated he is not sure what would need to be done if there was again a weak candidate pool from the next recruitment and, although additional salary may be needed, it may not be feasible.

In response to Council Member Katzakian, Mr. King stated a well-known firm, Avery & Associates, was used for the recruitment to generate a wide applicant pool.

In response to Council Member Katzakian, Mr. King stated a particular formula is not used for department salaries and there is an ongoing effort to maintain fairness between the same.

In response to Council Member Katzakian, Mr. King stated there may be an expectation that a candidate would want to get paid at the top of the advertised pay.

In response to Council Member Johnson, Mr. King stated he does anticipate a similar problem with the Deputy City Manager recruitment.

Council Member Johnson suggested doing a salary survey, generating a pool, and then determining the salary based on what the potential candidate is making now and what they will expect.

In response to Council Member Johnson, Mr. King stated it is possible to use an executive recruiter to place a long-term interim in the position while the firm searches for a qualified candidate even if the cost is a bit higher.

Mayor Pro Tempore Hansen suggested recruiting for the position at a salary that is dependent upon qualifications.

Mr. King reviewed the options for Council consideration including hiring a long-term firm, recruiting at a salary dependent upon qualifications, and adjusting the salary to market rate.

Council Member Johnson made a motion, second by Council Member Katzakian, to recruit for the Community Development Director position at a salary level dependent upon qualifications.

VOTE:

The above motion carried by the following vote:

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

Noes: Mayor Mounce

Absent: None

K-7 Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation (\$2,386.50) (CA)

Mayor Pro Tempore Hansen made a motion, second by Mayor Mounce, to approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation in the amount of \$2,386.50, as further detailed in the staff report.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

L. Ordinances

L-1 Adopt Ordinance No. 1813 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 5.32 - Massage Establishments - by Repealing and Reenacting Section 5.32.010, "Definitions" (CLK)

Mayor Pro Tempore Hansen made a motion, second by Council Member Johnson, to (following reading of the title) waive reading of the ordinance in full and adopt and order to print Ordinance No. 1813 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 5.32 - Massage Establishments - by Repealing and Reenacting Section 5.32.010, 'Definitions,'" which was introduced at a regular meeting of the Lodi City Council held July 2, 2008.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

L-2 Adopt Ordinance No. 1814 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 12.12 - Parks - by Adding Section 12.12.055, "Interfering with Parks and Recreation Programs" (CLK)

Council Member Katzakian made a motion, second by Mayor Mounce, to (following reading of the title) waive reading of the ordinance in full and adopt and order to print Ordinance No. 1814 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 12.12 - Parks - by Adding Section 12.12.055, 'Interfering with Parks and Recreation Programs,'" which was introduced at a regular meeting of the Lodi City Council held July 2, 2008.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

M. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 10:29 p.m.

ATTEST:

Randi Johl
City Clerk