

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 6, 2008**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of August 6, 2008, was called to order by Mayor Mounce at 5:46 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) Threatened Litigation: Government Code §54956.9(b); One Case: Potential Suit by Jose Nava against City of Lodi Based on Personal Injury
- b) Actual Litigation: Government Code §54956.9(a); One Case: City of Lodi v. Michael C. Donovan, an individual; Envision Law Group, LLP, et al., San Francisco Superior Court, Case No. CGC-05-441976
- c) Threatened Litigation: Government Code §54956.9(b); One Case: Potential Suit by Coldani v. Hamm, dba Lima Ranch/Dairy, (Case No. 07-CV-00660-RRB-EFB) against City of Lodi

C-3 Adjourn to Closed Session

At 5:46 p.m., Mayor Mounce adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:55 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:05 p.m., Mayor Mounce reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

Item C-2 (a) was discussion and direction only.

Items C-2 (b) and C-2 (c) were discussion only.

A. Call to Order / Roll call

The Regular City Council meeting of August 6, 2008, was called to order by Mayor Mounce at 7:05 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 - Ken Owen, Christian Community Concerns
- C. Pledge of Allegiance
- D. Presentations
- D-1 Awards - None
- D-2 Proclamations - None
- D-3 Presentations
- a) Presentation of Certificate of Recognition to Sam Huffman for His Heroic Live-Saving Efforts on May 10, 2008

Mayor Mounce presented a Certificate of Recognition to Lodi resident Sam Huffman for his heroic live-saving efforts. On May 10, 2008, Mr. Huffman bravely put himself in harm's way in order to save Marguerite Jones, whose wheelchair wheel had become stuck on the train tracks on Locust Street. Mr. Huffman jumped from his pickup truck, ran in front of an oncoming train, and carried Ms. Jones to safety with the train missing them by three feet.

- b) Presentation of Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting (CM)

Mayor Mounce and City Manager King presented the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting to the City Council and presented individual awards to the following who were primarily responsible for preparing the award-winning comprehensive annual financial report:

Ruby Paiste, Financial Services Manager
Cory Wadlow, Senior Accountant
Lourdes Bondoc, Accountant II

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

Council Member Johnson made a motion, second by Council Member 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: 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 \$16,079,776.60 (FIN)

Claims were approved in the amount of \$16,079,776.60.

- E-2 Approve Minutes (CLK)

The minutes of July 2, 2008 (Regular Meeting), July 15, 2008 (Shirtsleeve Session), July 22, 2008 (Shirtsleeve Session), and July 29, 2008 (Shirtsleeve Session) were approved as written.

- E-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Traffic Signal Modification Project at Church Street and Lockeford Street and at Elm Street and Ham Lane (PW)

Approved the plans and specifications and authorized advertisement for bids for Traffic Signal Modification Project at Church Street and Lockeford Street and at Elm Street and Ham Lane.

- E-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Lodi Public Library Phase 1 Remodel Project (PW)

Approved the plans and specifications and authorized advertisement for bids for Lodi Public Library Phase 1 Remodel Project.

- E-5 Adopt Resolution Awarding Contracts for Heating, Ventilation, and Air Conditioning Equipment for Lodi Public Library to Intech Mechanical, Inc., of Roseville (\$181,154), and to Joseph H. Schauf Company, of Campbell (\$71,157) (PW)

Adopted Resolution No. 2008-146 awarding contracts for heating, ventilation, and air conditioning equipment for Lodi Public Library to Intech Mechanical, Inc., of Roseville, in the amount of \$181,154, and to Joseph H. Schauf Company, of Campbell, in the amount of \$71,157.

- E-6 Approve Plans and Specifications and Authorize Advertisement for Bids for School Street and Spruce Street Wastewater Pipe Improvement Project (PW)

Approved the plans and specifications and authorized advertisement for bids for the School Street (Spruce Street to 350 Feet South of Spruce Street) and Spruce Street (School Street to Alley East of School Street) Wastewater Pipe Improvement Project.

- E-7 Approve Request for Proposal for Power Systems Studies on the Existing 12kV Electric Distribution Systems, Four Substations, and 60kV Transmission Lines (EUD)

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

In response to Council Member Hitchcock, Electric Utility Director George Morrow stated that this item is designed to check the overall health of the entire electrical system from top to bottom. He stated the check is run periodically every few years.

In response to Council Member Hitchcock, Mr. Morrow stated the approval is for a computer program that checks the entire system through a software system and the related database provides various studies. He stated it is specialized work and the computer software will allow the City to check the system more regularly in the future.

Council Member Hitchcock made a motion, second by Council Member Katzakian, to approve request for proposal for power systems studies on the existing 12kV electric distribution systems, four substations, and 60kV transmission lines.

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-8 Adopt Resolution Approving the Purchase of 2008 Ford F550 and Utility Bed Using State Contract No. 1-08-23-20 for Replacement of Vehicle No. 04-070 (\$53,850) (PW)

Adopted Resolution No. 2008-147 approving the purchase of 2008 Ford F550 and utility bed from Downtown Ford Sales, of Sacramento, in the amount of \$53,849.50, for the replacement of Vehicle No. 04-070, using State Contract No. 1-08-23-20.

- E-9 Adopt Resolution Authorizing the Purchase of Process Chemical Sodium Hydroxide for White Slough Water Pollution Control Facility from Basic Chemical Solutions, of Santa Fe Springs, CA (\$89,250) (PW)

Adopted Resolution No. 2008-148 authorizing the purchase of process chemical sodium hydroxide for White Slough Water Pollution Control Facility from Basic Chemical Solutions, of Santa Fe Springs, CA, in the amount of \$89,250.

- E-10 Adopt Resolution Awarding the Contract for Site Improvements at Lodi Lake Park, 1101 West Turner Road to AM Stephens Construction Company, Inc., of Lodi (\$338,250.35) (PR)

Adopted Resolution No. 2008-149 awarding the contract for Site Improvements at Lodi Lake Park, 1101 West Turner Road, to AM Stephens Construction Company, Inc., of Lodi, in the amount of \$338,250.35.

- E-11 Adopt Resolution Accepting Improvements at 350 North Guild Avenue (PW)

Adopted Resolution No. 2008-150 accepting improvements at 350 North Guild Avenue.

- E-12 Adopt Resolution Authorizing Additional Task Order for West Yost & Associates to Implement and Prepare Land Discharge Organic Loading Study Required by the City's Wastewater Discharge Permit and Appropriating Funds (\$319,000) (PW)

Adopted Resolution No. 2008-151 authorizing additional task order for West Yost & Associates to implement and prepare Land Discharge Organic Loading Study required by the City's wastewater discharge permit issued by the State Central Valley Regional Water Quality Control Board and appropriating funds from the Wastewater Fund in the amount of \$319,000.

- E-13 Adopt Resolution Authorizing Additional Task Orders with Treadwell & Rollo Regarding PCE/TCE Cleanup and Appropriating Funds (\$175,000) (PW)

Adopted Resolution No. 2008-152 authorizing additional task orders with Treadwell & Rollo regarding PCE/TCE cleanup and appropriating funds in the amount of \$175,000.

- E-14 Approve Amendment Extending Term of the Northeastern San Joaquin County Groundwater Banking Authority Joint Powers Agreement (PW)

Approved amendment extending the term of the Northeastern San Joaquin County Groundwater Banking Authority Joint Powers Agreement.

- E-15 Adopt Resolution Authorizing the City Manager to Negotiate and Execute a Cooperative Agreement with San Joaquin Council of Governments for East Lodi Avenue Improvement Project (\$120,000) (PW)

Adopted Resolution No. 2008-153 authorizing the City Manager to negotiate and execute a Cooperative Agreement with San Joaquin Council of Governments for East Lodi Avenue

Improvement Project in the amount of \$120,000.

E-16 Authorize the City Manager to Enter into a Contract with: 1) PBS&J to Provide Planning Services and Prepare an Environmental Impact Report; and 2) PMC, Inc., to Provide Project Management Services for a Proposed Sutter Gould Medical Facility at West Lane and Harney Lane to be Reimbursed by Applicant (CD)

This item was pulled by Mayor Mounce at the request of Ann Cerney, a member of the public, for public comment on the same.

City Manager King provided a brief overview of the item, stating staff is recommending outside assistance for the subject services and there is no net cost to the City because the costs are reimbursed.

Planning Manager Peter Pirnejad stated the application before the City Council is for various actions for the proposed Sutter Gould facility, including an Environmental Impact Report (EIR), planning services, and project management.

In response to Council Member Hitchcock, Mr. Pirnejad stated the purpose of the application is to take under advisement based on current designations of the zoning, 1990 designations require rezoning if there is any change with residential zoning, and the practice has been not to take the application unless the plan has been determined.

In response to Council Member Johnson, Mr. Pirnejad confirmed that there is no cost to the City other than staff time for processing and the developer is taking the risk at their own expense.

In response to Mayor Mounce, Mr. Pirnejad stated the timeline for the application process is approximately one year.

Ann Cerney spoke in opposition to the preparation of an EIR based on her concerns regarding a community separator, past planning policy for larger areas to be annexed, and the lack of a clear policy for ag mitigation for conversion. Mayor Mounce stated the City Manager is currently working on the matter of a separator based on meetings with the agricultural community.

In response to Council Member Johnson, Mr. Pirnejad confirmed that the area is adjacent to Harney Lane and is not next to the separator and ag mitigation can be a part of any project when it is considered.

Discussion ensued between Council Member Hitchcock and Mr. Pirnejad regarding the possibility of high density development adjacent to the proposed separator and dialogue of a proposed separator approximately one half of a mile from Armstrong Road.

In response to Council Member Johnson, Mr. Pirnejad confirmed that the existing General Plan shows potential for development in the area and the presumption was Planned Residential Reserve as moderate development uses.

In response to Council Member Katzakian, the applicant, Mike Carouba, provided an overview of the dimensions of the property and the proposed project itself and the overall benefits to the City by not waiting for the General Plan amendment update to be completed.

In response to Council Member Hitchcock, Mr. Carouba stated no formal application was ever made previously regarding this parcel, although inquiries were made. Discussion ensued between Council Member Hitchcock and Mr. Carouba regarding the proximity of the project to the proposed greenbelt separator and the expectancy of ag mitigation as a part of the

project.

Felix Huerta spoke in opposition to the proposed action based on his concerns regarding the possibility of contracting out services that can be performed by employees and the fact that the City does not contract with Sutter Gould for employee health services.

Mayor Pro Tempore Hansen made a motion, second by Council Member Johnson, to authorize the City Manager to enter into a contract with: 1) PBS&J to provide planning services and prepare an Environmental Impact Report; and 2) PMC, Inc., to provide project management services for a proposed Sutter Gould medical facility at West Lane and Harney Lane to be reimbursed by applicant.

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

E-17 Adopt Resolution Approving Side Letter Amending the 2006-2008 Memorandum of Understanding between the City of Lodi and the Association of Lodi City Employees (General Services Unit) (CM)

Adopted Resolution No. 2008-154 approving Side Letter amending the 2006-2008 Memorandum of Understanding between the City of Lodi and the Association of Lodi City Employees (General Services Unit).

E-18 Receive Information Regarding New Meeting Day for the Site Plan & Architectural Review Committee (CD)

Received information regarding new meeting day for the Site Plan & Architectural Review Committee.

E-19 Adopt Resolution Authorizing the City Manager and Electric Utility Director to Issue Request for Bids, Determine the Best Bid and Execute a Contract for a 25 Megawatt Baseload Power Purchase for the Period of July 2010 through March 2012 at a Cost Not to Exceed \$79 per Megawatt Hour (EUD)

Adopted Resolution No. 2008-155 authorizing the City Manager and Electric Utility Director to issue request for bids, determine the best bid and execute a contract for a 25 megawatt baseload power purchase for the period of July 2010 through March 2012 at a cost not to exceed \$79 per megawatt hour.

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.

Jack Dunn spoke on the subject of automatic bill payment online and his concerns regarding fees

being charged to the City for credit card use. He also suggested holding off any project, including Sutter Gould, until the General Plan Amendment is completed.

Steve Nilssen thanked the City Council on behalf of the residents at Eilers Lane for allowing them to have a 4th of July block party and commended the Public Works staff for their efforts regarding the same.

Robert Anderson, representative for the Community Center for the Blind and Visually Impaired, invited the City Council and public to the Open House on August 20, 2008, to celebrate the opening of the new satellite office in Lodi.

Felix Huerta presented a document to be distributed to the City Council regarding a salary survey and benefits and expressed concern regarding the possibility of vacancies being filled at the Municipal Service Center.

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

Council Member Johnson stated he passed along information to the City Attorney regarding assessing fines for property owners who fail to maintain their properties in foreclosure. Mr. Johnson stated he is disappointed in Mr. Huerta's comments, as he has been attending labor meetings as the Council representative to ensure the information is being communicated accurately, Mr. Gualco is reporting fairly and accurately, and he hopes that labor relations are not negotiated publicly.

Council Member Hitchcock reported on her participation in the National Night Out event and commended the Police Department for their efforts regarding the same.

Mayor Pro Tempore Hansen stated that People Assisting the Lodi Shelter is participating on August 16, 2008, in the National Homeless Pet Day and spay and neuter services will be offered at a discount. He also reported on his attendance at a luncheon with the Chinese Counsel General, the Northern California Power Agency Commission meeting at which the geyser project was discussed, and the San Joaquin Council of Governments meeting at which three items were approved providing additional funding for the City and a new committee for project delivery of transportation projects was formed.

Mayor Mounce commended staff for their efforts with the National Night Out event, reported on her meeting with property owners in the proposed greenbelt area, congratulated the American Federation of State, County, and Municipal Employees on a good barbecue, and stated Lodi was mentioned in a newspaper article from Idaho. She also passed along a citizen commendation for Officer Todd Patterson.

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

City Manager King stated he had no additional comments.

I. Public Hearings - None

J. Communications

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

J-2 Appointments

a) Appointment to the Greater Lodi Area Youth Commission (Student Appointee): Kasey Ota

(CLK)

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

Greater Lodi Area Youth Commission (Student Appointee)
Kasey Ota, 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 - None

K. Regular Calendar

K-1 Adopt Resolution Opposing State Budget Decisions that Would "Borrow" Local Government and Transportation Funds (CM)

City Manager King provided an overview of the subject matter regarding the resolution opposing state budget decisions for borrowing. Specific topics of discussion included what is at risk, previous funding taken from local governments, Educational Revenue Augmentation Fund vehicle code fines, cigarette tax, business inventory subventions, alcohol beverage fees, trailer coach in-lieu fees, new fees, \$15.2 billion deficit, legislative analyst office proposals, and Proposition 1A proposal.

Central Valley League Representative Stephen Qualls provided an overview of the current condition of the proposed borrowing. He specifically discussed the real possibility of borrowing various funds, including Proposition 1A and the repayment of the same, campaign regarding cutting up the card, and the need for the adoption of the resolution.

In response to Council Member Johnson, Mr. King and Mr. Qualls indicated that securitizing the funds means that the State cannot borrow against the funds; although, there is a problem with losing interest from the State on the same.

In response to Council Member Johnson, Mr. King and Mr. Qualls confirmed that the State may pay back the amount in three years with interest, but the State does not have a good credit rating. Mr. Qualls stated there is some discussion regarding the State borrowing against the future lottery earnings as well.

In response to Mayor Pro Tempore Hansen, Mr. King and Mr. Qualls indicated that this campaign and resolution to oppose the borrowing is meant to be a dialogue with the State legislature to encourage them to make the tough decisions that local governments have been making regarding budget cuts instead of borrowing from local governments. Mr. Qualls stated citizens are also encouraged to contact their local legislators.

Mayor Pro Tempore Hansen made a motion, second by Mayor Mounce, to adopt Resolution No. 2008-157 opposing State budget decisions that would "borrow" local government and transportation funds.

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-2 Adopt Resolution Approving City of Lodi Cost Share for Lower San Joaquin River Feasibility Study, Authorizing the City Manager to Execute Cost-Share Agreements, and Appropriating Funds (\$17,731) (PW)

City Manager King briefly introduced the subject matter of the feasibility study and related cost share.

Public Works Director Wally Sandelin provided a brief PowerPoint presentation regarding the cost share and feasibility study. He specifically discussed Senate Bill 5, 200-year flood protection, alternatives regarding joining the study or doing the study separately, the estimated cost of \$17,731, and the timeline of five years.

In response to Mayor Pro Tempore Hansen, Mr. Sandelin stated the County is taking the lead on the study and the estimate was eight but they are going with ten to be more conservative. Mr. Sandelin stated therefore the cost should remain the same.

In response to Mayor Pro Tempore Hansen, Mr. Sandelin stated that the intent of the study is to look at what will be needed to prevent the flood, and not only what will happen if the flood happens. He stated levy improvement costs will also be reviewed.

In response to Council Member Johnson, Mr. Sandelin stated levies in the area were designed for the 100-year event. He stated some areas in and around the City will be able to handle the 100-year event and others the 200-year event.

In response to Council Member Johnson, Mr. Sandelin confirmed that certain areas are going to be exempt from flood areas and it may be possible that some areas will be able to be remapped out of the zone. He stated the plan addresses only urbanized and not agricultural areas; although, staff has asked that White Slough be included to indicate what protection will be needed to protect the plant so that a separate study for the plant area is not needed at a later date.

In response to Council Member Hitchcock, Mr. Sandelin stated staff in the other area cities is also recommending participation to their respective boards and Senate Bill 5 does apply to the Mokelumne River.

In response to Mayor Pro Tempore Hansen, Mr. Sandelin stated the study for the Mokelumne River has a separate action and price tag and cannot be attached to the current action.

In response to Council Member Johnson, Mr. King stated the Federal Emergency Management Agency (FEMA) is the federal agency that requires the mapping for the 100-year flood. He provided an overview of both the 100- and 200-year FEMA and State requirements, some of which were in direct response to Hurricane Katrina.

Mayor Pro Tempore Hansen made a motion, second by Council Member Hitchcock, to adopt Resolution No. 2008-158 approving City of Lodi cost share for Lower San Joaquin River Feasibility Study, authorizing the City Manager to execute cost-share agreements, and appropriating funds in the amount of \$17,731.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Johnson

Absent: None

K-3 Adopt Resolution to Implement the Storm Water Development Standard Plans as Required by the State Water Resources Control Board and Set Inspection Fee for Post Construction Best Management Practices as Required in the Standards (PW)

City Manager King briefly introduced the subject matter of the Storm Water Development Standards Plan (DSP).

Public Works Director Wally Sandelin introduced John Teravskis of WGR Southwest who provided a PowerPoint presentation regarding the Storm Water DSP. Topics of specific discussion included the DSP as a State mandate, calendar of events, best management practices, examples of treatment, how the City compares with other local plans, how the plan differs from other plans, new project application, significant redevelopment project application, existing properties with significant redevelopment, and the implementation process regarding the same.

In response to Mayor Pro Tempore Hansen, Mr. King confirmed that the unfunded mandate originally was put on the state by the federal government and the state has put it on the City.

Council Member Johnson made a motion, second by Mayor Pro Tempore Hansen, to adopt Resolution No. 2008-159 implementing the Storm Water DSP as required by the State Water Resources Control Board.

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-4 Adopt Resolution Authorizing the City Manager to Execute Master Agreement and Task Order No. 1 of Water Utility Financial Planning, Rate Setting, and Meter Installation Program to The Reed Group, Inc., of Sacramento (\$114,670) and Appropriating Funds (\$125,000) (PW)

City Manager King briefly introduced the subject matter related to water meter installations.

Public Works Director Wally Sandelin provided a brief PowerPoint presentation regarding the water utility financial model, Assembly Bill 2572, financial model uses, policy direction questions, costs of a study, and the proposed schedule.

In response to Mayor Mounce, Mr. Sandelin stated the project could be done in-house, but he would ask that the City Engineer position be replaced because staff are not experts in the field and do not have the experience from other communities.

Council Member Johnson stated the consultant does come highly recommended and he supports doing the technical piece through a consultant but cannot support the public outreach piece.

Council Member Hitchcock stated she agreed with Council Member Johnson on the public outreach piece and there is no choice on the technical piece because it is mandated.

In response to Council Member Katzakian, Mr. Sandelin stated that, with respect to the post-1992 homes, about 1,000 meters have been installed and approximately 1,900 remain. He stated the contract for the remaining amount will be coming before Council shortly.

Mayor Mounce stated she concurred on doing the public outreach piece in-house and not through a consultant.

In response to Council Member Hitchcock, Mr. Sandelin stated the inclusion of the public outreach piece came from communications with other agencies who utilized this piece to allow for a smoother installation and flexible implementation. Mr. King and Mr. Sandelin stated they could bring a public outreach piece back if necessary and only move forward with the technical piece at this time.

Council Member Johnson made a motion, second by Mayor Mounce, to adopt Resolution No. 2008-160 authorizing the City Manager to execute Master Agreement and Task Order No. 1 of Water Utility Financial Planning, Rate Setting, and Meter Installation Program to The Reed Group, Inc., of Sacramento, (without the public outreach portion for the Lucy Company) in the amount of approximately \$74,670, and appropriating funds in the amount of \$85,000.

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 amendment to the solid waste ordinance.

Public Works Director Wally Sandelin provided a brief summary of the overview of the meetings with Thom Sanchez and Jack Fiori, both of whom had indicated no objections to the proposed ordinance. Mr. Sandelin provided information regarding businesses who were accepted as industrial customers indicating the ordinance does not change any existing determinations.

In response to Council Member Hitchcock, Mr. Sandelin confirmed that there were no changes to the proposed ordinance that was previously presented to Council a few weeks prior.

Council Member Hitchcock made a motion, second by Council Member Katzakian, to introduce Ordinance No. 1815 amending Lodi Municipal Code Chapter 13.16 - Solid Waste - by repealing and reenacting Section 13.16.010, "Definitions."

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-6 Approve Six-Month Budget for PCE/TCE Related Litigation Case (CA)

Council Member Hitchcock made a motion, second by Council Member Johnson, to approve six-month budget for PCE/TCE related litigation case in an amount not to exceed \$1.1 million.

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-7 Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$56,978.56) (CA)

Mayor Mounce made a motion, second by Council Member Johnson, to approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel in the amount of \$56,978.56, as detailed further 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 - None

M. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 10:04 p.m., in memory of John Aguilar with Vernon Transportation, who passed away on July 10, 2008.

ATTEST:

Randi Johl
City Clerk