

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 20, 2008**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of August 20, 2008, was called to order by Mayor Mounce at 6:00 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) Prospective Acquisition of Real Property Located at 232 North Washington Street (APN #043-087-17), 242 Rush Street (APN #043-090-13), and 420 E. Lockeford Street (APN#043-202-29), Lodi, California; the Negotiating Parties are City of Lodi and Union Pacific Railroad Company; Government Code §54956.8
- b) Conference with Dean Gualco, Human Resources Manager (Labor Negotiator), Regarding Lodi Police Dispatchers Association and Association of Lodi City Employees Regarding General Services and Maintenance & Operators Pursuant to Government Code §54957.6
- c) Threatened Litigation: Government Code §54956.9(b); One Application; Potential Suit by Michael Gold against City of Lodi. (DOI: 11/03/07)

C-3 Adjourn to Closed Session

At 6:00 p.m., Mayor Mounce adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 7:04 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:07 p.m., Mayor Mounce reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

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

In regard to Item C-2 (c), the City Council released any lien rights it has to allow for Mr. Gold to fully recover against the drunk driver.

A. Call to Order / Roll call

The Regular City Council meeting of August 20, 2008, was called to order by Mayor Mounce at 7:07 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 - Associate Pastor Marianne Weethee, Heartland Community Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards - None

D-2 Proclamations - None

D-3 Presentations

a) Recognition of Lodi Police Department SWAT Team for Taking First Place at the Sierra Foothill Tactical Challenge

Following introductory comments by Police Chief David Main, Mayor Mounce presented a Certificate of Recognition to the following Lodi SWAT Team members who participated and took First Place in the Sierra Foothill Tactical Challenge:

Fernando Martinez (Team Leader)
Mike Oden
Sean Blanford
Sierra Brucia
David Griffin
Kevin Kent
Mike Manetti

b) Presentation to Lodi Extreme Babe Ruth Girls 16 and Under Softball World Series Champions (PR)

Following introductory comments by David Pfennig, Team Manager/Head Coach, Mayor Mounce presented a Certificate of Recognition to the coaches, Recreation Supervisor, Boosters of Boys and Girls Sports coordinator, and the following Lodi Extreme Babe Ruth Girls 16 and Under players as the World Series Champions.

Alyx Alvarez
Avery Anderson
Betsy Colburn
Jordynn Elwood
Gina Luiz
Nikki Luiz
Luci Martinez
Kelsey McCarty
Brooke Ortiz
Jerika Senecal
Tori Shepard
Taylor Sousa
Brittany Sweeten

c) Quarterly Update by the Greater Lodi Area Youth Commission (COM)

Emily McConahey and Hannah Merrill, members of the Greater Lodi Area Youth Commission,

provided a quarterly update to the City Council.

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

Council Member Hitchcock 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 \$6,692,393.69 (FIN)

Claims were approved in the amount of \$6,692,393.69.

E-2 Approve Minutes (CLK)

The minutes of July 16, 2008 (Regular Meeting), August 5, 2008 (Shirtsleeve Session), and August 12, 2008 (Shirtsleeve Session) were approved as written.

E-3 Accept the Quarterly Investment Report as Required by Senate Bill 564 (CM)

Accepted the quarterly report of the City of Lodi pooled money investments as required by Senate Bill 564 and the City of Lodi Investment Policy.

E-4 Report of Sale of Surplus Equipment (PW)

Received the report of sale of surplus equipment, which is made in compliance with the Fleet Policies and Procedures.

E-5 Approve Specifications and Authorize Advertisement for Bids for 40,000 Feet of #1/0 AWG, 15kV, EPR Insulated, Jacketed Concentric Neutral Underground Cable (EUD)

Approved the specifications and authorized advertisement for bids for 40,000 feet of #1/0 AWG, 15kV, EPR insulated, jacketed concentric neutral underground cable.

E-6 Approve Specifications and Authorize Advertisement for Bids for 10,000 Feet of 1,100kcMil AWG, 15kV, EPR Insulated, Jacketed Concentric Neutral Underground Cable (EUD)

Approved specifications and authorized advertisement for bids for 10,000 feet of 1,100kcMil AWG, 15kV, EPR insulated, jacketed concentric neutral underground cable.

E-7 Adopt Resolution Authorizing the Purchase and Installation of a New Public Safety Solution System from OSSI Sungard, which will Replace the Lodi Police Department's Data 911 System, and Authorizing Expenditure of \$250,998 in Police Department Budgeted Funds (PD)

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

City Manager King briefly introduced the subject matter of the new public safety solution.

Police Chief David Main provided an overview of proposed police data system, which will bring to date the technology for data processing purposes. Lieutenant JP Badel reviewed a PowerPoint presentation and specifically discussed history of previous services, the need to be technologically current, Data 911 services that are currently lacking, use of third party vendor, OSSI services, impact on police personnel, cost of \$251,417, current budget funding, and summary of purpose of program.

In response to Council Member Hitchcock, Lt. Badel stated the system is currently tied into certain nationwide information and will continue to be, the ongoing annual maintenance and upkeep is approximately \$125,000 which would be about the same as Data 911, and OSSI is a tried and tested company with approximately 380 agency clients. Chief Main stated this type of business is geographical in nature and breaking into new areas is always difficult.

In response to Council Member Hitchcock, Steve Nagley, the representative from OSSI, stated the deal is being offered to Lodi because it is the first agency in California and other agencies will have to pay the full amount as has been the case with other states. He stated Sungard purchased OSSI a few years ago, they are currently doing business in 18 states, and they believe in slow growth and a focused plan. He confirmed there is no expectancy of further obligations from Lodi other than they are hoping to sell additional systems in the State of California to other mid-size agencies.

In response to Council Member Johnson, Chief Main stated Data 911 did business primarily in California and is a small company whose plans to build and expand their company have not come to fruition.

In response to Council Member Johnson, Chief Main stated training is included in the package.

In response to Mayor Mounce, Chief Main confirmed that the old system is not compatible with fire.

In response to Mayor Pro Tempore Hansen, Mr. Nagley stated they have been preparing for the last two years to come into the California market, the product is tried and tested and has been implemented over 300 times across the country, and the only difference is the forms that must be filed in each state.

In response to Mayor Pro Tempore Hansen, Chief Main stated staff did not personally visit the other sites; although, they did communicate with other clients via telephone and check references.

In response to Mayor Pro Tempore Hansen, Corporal Bobby Amin stated that, while he was skeptical at first, after thoroughly reviewing the system, getting feedback from user groups, and checking references, he is comfortable with the product.

In response to Mayor Pro Tempore Hansen, Mr. Nagley stated the company may look to add staff in California if there are enough clients and currently everything is handled through the North Carolina office.

Council Member Hitchcock made a motion, second by Mayor Pro Tempore Hansen, to adopt Resolution No. 2008-169 authorizing the purchase and installation of a new public safety solution system from OSSI Sungard, which will replace the Lodi Police Department's Data 911 System, and authorizing expenditure of \$250,998 in Police Department budgeted 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

E-8 Accept Improvements under Contract for Turner Road Overlay and Lower Sacramento Road Widening (PW)

Accepted improvements under "Turner Road Overlay and Lower Sacramento Road Widening" contract.

E-9 Adopt Resolution Authorizing an Additional Task Order for West Yost & Associates to Provide Permit Assistance and Prepare Various Studies Required by the City's Wastewater Discharge Permit and Appropriating Funds (\$400,000) (PW)

Adopted Resolution No. 2008-161 authorizing an additional task order for West Yost & Associates to provide permit assistance and prepare various studies required by the City's wastewater discharge permit issued by the State Central Valley Regional Water Quality Control Board and appropriating funds in the amount of \$400,000.

E-10 Adopt Resolution Authorizing the City Manager to Enter into an Interconnection Agreement between the City of Lodi and Northern California Power Agency for the Existing White Slough Water Pollution Control Facility Electric Connection (EUD)

Adopted Resolution No. 2008-162 authorizing the City Manager to enter into an Interconnection Agreement between the City of Lodi and Northern California Power Agency for the existing White Slough Water Pollution Control Facility electric connection.

E-11 Adopt Resolution Authorizing the City Manager to Execute an Amended and Restated Master Confirmation Agreement with Shell Energy North America (EUD)

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

City Manager King briefly introduced the subject matter of the proposed agreement with Shell Energy North America.

Electric Utility Director George Morrow provided a brief overview of the successor outdated agreement with Coral, stating the proposed agreement provides a general umbrella, which enables the City to do business with Shell.

In response to Council Member Hitchcock, Mr. Morrow stated only the framework is changing as the format is one that is adopted by most Northern California Power Agency members. Mr. Morrow stated staff will continue to report through the City Manager and quarterly reports of power purchases made to close the City's open position, which generally happens four or five times a year. Mr. King clarified that the item tonight is not for the approval of any purchase but rather an approval of the template of the agreement to do potential business with Shell.

Mayor Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2008-170 authorizing the City Manager to execute an amended and restated Master Confirmation Agreement with Shell Energy North America.

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-12 Adopt Resolution Authorizing the City Manager to Execute Mutual Aid Agreements with American Public Power Association, California Municipal Utilities Association, and California Utilities Emergency Association (EUD)

Adopted Resolution No. 2008-163 authorizing the City Manager to execute Mutual Aid Agreements with American Public Power Association, California Municipal Utilities Association, and California Utilities Emergency Association.

E-13 Adopt Resolution Authorizing the City Manager to Enter into a Letter of Agreement between the City of Lodi and Schaefer Systems International for the Sale of Designated Municipal Electric Distribution Facilities (\$78,132) (EUD)

Adopted Resolution No. 2008-164 authorizing the City Manager to enter into a Letter of Agreement between the City of Lodi and Schaefer Systems International for the sale of designated municipal electric distribution facilities in the amount of \$78,132.

E-14 Adopt Resolution Directing the Mayor to Endorse Letter from the Northern California Power Agency to the Governor of California to Support Establishment of a 33% Renewable Portfolio Standard for All Electric Utilities in the State (EUD)

Adopted Resolution No. 2008-165 directing the Mayor to endorse letter from the Northern California Power Agency to the Governor of California to support establishment of a 33% renewable portfolio standard for all electric utilities in the state.

E-15 Adopt Resolution Authorizing the City Manager to Enter into Agreement with the State of California Department of General Services for the Issuance of a CAL-Card to the Buyer and Purchasing Technician (CM)

Adopted Resolution No. 2008-166 authorizing the City Manager to enter into agreement with the State of California Department of General Services for the issuance of a CAL-Card to the Buyer and Purchasing Technician.

E-16 Adopt Resolution Authorizing the City Manager to Renew Agreement between San Joaquin County Data Processing and the City of Lodi Police Department (Estimated Annual Cost \$13,954.84) (PD)

Adopted Resolution No. 2008-167 authorizing the City Manager to renew an agreement between the Lodi Police Department and San Joaquin County, through its Data Processing Division, for fiscal year 2008-09 to provide data processing services and access to Automated Message Switching/CJIS Systems for the estimated annual cost of \$13,954.84.

E-17 Adopt Resolution Amending Traffic Resolution No. 97-148 by Approving Speed Limit Reduction from 50 to 40 Miles Per Hour on Turner Road between West City Limits and Evergreen Drive (PW)

This item was pulled for further discussion by Council Member Hitchcock. City Manager King briefly introduced the subject matter of reducing the speed limit on a portion of Turner Road.

Water Services Manager Charlie Swimley stated the location of the proposed speed limit

reduction is on Turner Road between the west City limits and Evergreen Drive, the reduction was recommended as a result of a routine Citywide survey, there were no other changes proposed in the study, and considerations included the Woodbridge Irrigation District canal and pedestrian and bike pathways.

In response to Council Member Hitchcock, Mr. Swimley stated that, although the study proposes 45 miles per hour (mph), 40 mph is more consistent with the area.

Council Member Hitchcock made a motion, second by Council Member Katzakian, to adopt Resolution No. 2008-171 amending traffic Resolution No. 97-148 by approving speed limit reduction from 50 to 40 miles per hour on Turner Road between west City limits and Evergreen Drive.

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-18 Adopt Resolution Amending the Bylaws for the Lodi Improvement Committee to Allow for a Change in its Meeting Day and When it Elects Officers Each Year (CD)

Adopted Resolution No. 2008-168 amending the bylaws for the Lodi Improvement Committee to allow for a change in the meeting day and when the officers are elected each year.

E-19 Adopt Resolution Approving Interim Community Development Director Employment Agreement with Konradt Bartlam (CM)

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

City Manager King reported that the proposed consultant contract is for interim Community Development Director services while a full recruitment is taking place, reviewed the terms of the agreement including office hours and salary, and stated he anticipates the agreement will last for approximately four months.

In response to Council Member Hitchcock, Mr. King stated the one day a week on the existing General Plan amendment contract is based on an average and not specific days so there should be no conflict with the two contracts.

In response to Council Member Hitchcock, Mr. King stated he will not be assigned to specific tasks but rather overseeing all three divisions in Community Development until such time as the position is permanently filled by a new director.

Council Member Hitchcock made a motion, second by Council Member Johnson, to adopt Resolution No. 2008-172 approving Interim Community Development Director employment agreement with Konradt Bartlam.

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

- E-20 Set Public Hearing for September 3, 2008, to Consider Uses of the 2008 Mid-Year Allocation of Community Development Block Grant Program Funds and the Reallocation of Available Funds from Previous Program Years (CD)

Set public hearing for September 3, 2008, to consider uses of the 2008 mid-year allocation of Community Development Block Grant program funds and the reallocation of available funds from previous program years.

- E-21 Set Public Hearing for September 3, 2008, to Consider Resolution Setting Fee for Storm Drainage Development Standard Plans Compliance Inspection for Post Construction Best Management Practices as Required in the Standards (PW)

Set public hearing for September 3, 2008, to consider resolution setting fee for Storm Drainage Development Standard Plans compliance inspection for post construction best management practices as required in the Standards.

- E-22 Set Public Hearing for September 3, 2008, to Consider Approval of a General Plan Amendment for Reynolds Ranch (CD)

Set public hearing for September 3, 2008, to consider approval of a General Plan amendment for Reynolds Ranch.

- 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.

Pat Patrick, representative of the Chamber of Commerce, reported that the Chamber is taking a second trip to China and invited the City Council and staff to view the statue that the Chinese government recently gave to the City of Lodi through the Chamber and consider placement of the same.

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

Mayor Pro Tempore Hansen stated that, in response to a citizen inquiry, he was hopeful the process involving WalMart would be handled in an efficient manner.

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

City Manager King reported on the statistics of credit card usage. He specifically discussed the 50-cent flat fee charge for automatic teller machine transactions which are about 70% of users, the approximate one dollar charge for credit card transactions which are about 26% of users, and the greater cost of personal transactions involving cash or checks. He stated electronic transactions are the least expensive and provide the most options to users. Council Member Johnson requested the information be conveyed to the concerned citizen accordingly.

- I. Public Hearings - None

J. Communications

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

J-2 Appointments - None

J-3 Miscellaneous - None

K. Regular Calendar

K-1 Introduce Ordinance Amending Lodi Municipal Code Chapter 9.18 - Vending on Streets, (Introduce) Sidewalks, and Private Property - Section 9.18.050-A.-1 Relating to Location and Repealing and Reenacting Section 9.18.110 in its Entirety Relating to Sanitation (CD)

City Manager King briefly introduced the subject matter of the proposed vending ordinance.

Community Improvement Manager Joseph Wood provided a brief presentation regarding the proposed vending ordinance and specifically discussed vendor location, operation in the right of way, distance and time restrictions in residential areas, proposed 300-foot restriction for schools, parks, and recreation centers where City authorized concessionaires operate, restroom availability for vendor employees, and a typographical error in the ordinance which references an incorrect code section. Mr. Schwabauer stated specific language could be crafted to specifically exclude lunch truck vendors from residential operations.

In response to Council Member Hitchcock, Mr. Schwabauer stated an ice cream truck is specifically defined by statute in the Vehicle Code.

In response to Council Member Johnson, Mr. Wood stated the proposed ordinance does not change anything with respect to schools as vending near the same is still prohibited.

Dennis McAuliffe spoke in opposition to the proposed ordinance based on concerns regarding ice cream truck activity on his street, enforcement, safety, and trash.

In response to Council Member Hitchcock, Mr. Wood stated the proposed ordinance did not go to the Planning Commission because it is not a part of the Zoning Ordinance. He stated it did go to the Lodi Improvement Committee.

Mike Carouba spoke in opposition to the proposed ordinance based on his concerns regarding confusion in the ordinance, which may allow for unwanted activity near residential areas and parks, and he encouraged the Council to table the matter to allow for additional public input.

Steve Jarrett spoke in opposition to the proposed ordinance based on his concern that the city of Stockton did not feel the need to include any exceptions in its ordinance on the same subject matter.

Pat Patrick spoke in opposition to the proposed ordinance, stating he concurred with the comments made by Mike Carouba.

Brad Vander Hamm spoke in opposition to the proposed ordinance based on his concerns regarding commercializing the parks and the affect of the same on the community's youth.

Jay Patel spoke in opposition to the proposed ordinance, stating he concurred with the comments made by Mike Carouba.

Scott Martin spoke in opposition to the proposed ordinance based on his concerns regarding safety in the neighborhood and trash in the area.

In response to Council Member Katzakian, Mr. Wood confirmed that ice cream trucks can go anywhere in the City but are restricted from schools and now parks.

Mayor Mounce made a motion, second by Council Member Katzakian, to introduce Ordinance No. 1816 amending Lodi Municipal Code Chapter 9.18 - Vending on Streets, Sidewalks, and Private Property - by repealing and reenacting Section 9.18.110 in its entirety relating to sanitation to correct the erroneous Health & Safety Code (without the amendment relating to location).

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 Introduce Ordinance Amending Lodi Municipal Code Chapter 17.81 - Site Plan and Architectural (Introduce) Approval - Specifically by Repealing and Reenacting Sections 17.81.060 Pertaining to "Committee Actions" and 17.81.070 Pertaining to "Appeals from the Committee" (CD)

City Manager King briefly introduced the subject matter of amending the site plan and architectural review matter.

Planning Manager Peter Pirnejad reviewed a PowerPoint presentation regarding amending the Site Plan and Architectural Review Committee (SPARC). He specifically discussed the purpose for the change, Alternative 1 with eliminating SPARC, Alternative 2 with dividing duties, Alternative 3 with improving the guidelines, and the conclusion and recommendation of SPARC to adopt Alternative 2.

In response to Council Member Hitchcock, Mr. Pirnejad stated they are referring to the Zoning Code.

In response to Council Member Hitchcock, City Attorney Schwabauer stated he was attempting to make paragraphs two and three consistent with one another while making the language less passive. Mr. Schwabauer reviewed the specifically proposed language and the meaning of the same.

In response to Council Member Hitchcock, Mr. Schwabauer stated the regulations include all the requirements, including those listed in the Building Code and Fire Code, and are broader than the Municipal Code itself.

Mayor Pro Tempore Hansen made a motion, second by Mayor Mounce, to introduce Ordinance No. 1817 amending Lodi Municipal Code Chapter 17.81 - Site Plan and Architectural Approval - specifically by repealing and reenacting Sections 17.81.060 pertaining to "Committee Actions" and 17.81.070 pertaining to "Appeals from the Committee."

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 Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation (\$96,039.00) (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 in the amount of \$96,039.00, 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 Ordinance No. 1815 Entitled, "An Ordinance of the City Council of the City of Lodi Amending (Adopt) Lodi Municipal Code Chapter 13.16 - Solid Waste - by Repealing and Reenacting Section 13.16.010, 'Definitions'" (CLK)

Mayor Mounce 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. 1815 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 13.16 - Solid Waste - by Repealing and Reenacting Section 13.16.010, 'Definitions,'" which was introduced at a regular meeting of the Lodi City Council held August 6, 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 9:38 p.m.

ATTEST:

Randi Johl
City Clerk