



# LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: December 7, 2011

Time: 7:00 p.m.

For information regarding this Agenda please contact:

**Randi Johl, City Clerk**  
**Telephone: (209) 333-6702**

**6:55 p.m. Invocation/Call to Civic Responsibility.** Invocations/Calls may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. These are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the beliefs or views of any speaker.

***NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.*

- C-1 Call to Order / Roll Call – N/A
- C-2 Announcement of Closed Session – N/A
- C-3 Adjourn to Closed Session – N/A

**NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.**

- C-4 Return to Open Session / Disclosure of Action – N/A
  - A. Call to Order / Roll Call
  - B. Presentations
    - B-1 Presentation to Retiring Members of Boards, Committees, Commissions, and Task Forces
    - B-2 Presentation of Mayor's Community Service Award
  - C. Consent Calendar (Reading; Comments by the Public; Council Action)
    - C-1 Receive Register of Claims in the Amount of \$3,531,082.25 (FIN)
    - C-2 Approve Minutes (CLK)
      - a) November 15, 22, and 29, 2011 (Shirtsleeve Sessions)
      - b) November 16, 2011 (Regular Meeting)
      - c) November 22, 2011 (Special Meeting)
    - C-3 Accept Improvements Under Contract for Van Buskirk Park Playground Replacement Project, 600 North Pleasant Avenue (PW)
    - C-4 Notice of Cost to Grant Two Years Additional Service Credit Under Government Code Section 20903 (CM)

**D. Comments by the Public on Non-Agenda Items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

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.

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

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

**G. Public Hearings – None**

**H. Communications**

H-1 Appointment to Lodi Arts Commission (CLK)

**I. Regular Calendar – None**

**J. Ordinances**

Ord. J-1 Adopt Ordinance No. 1855 Entitled, "An Ordinance of the Lodi City Council Amending Lodi  
(Adopt) Municipal Code Chapter 13.20 – Electrical Service – by Adding Section 13.20.020, 'Energy Theft Diversion/Field Services Fee Recovery Schedule'" (CLK)

**K. Reorganization of the City Council**

K-1 Presentation to Outgoing Mayor

K-2 Reorganization of the Lodi City Council

Res. a) Election of Mayor

Res. b) Election of Mayor Pro Tempore

**L. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Randi Johl  
City Clerk



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Presentation to Retiring Members of Boards, Committees, Commissions, and Task Forces  
**MEETING DATE:** December 7, 2011  
**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Mayor Johnson to present certificates of recognition to retiring members of boards, committees, commissions, and task forces.

**BACKGROUND INFORMATION:** Each year, the City extends its appreciation to citizens who generously volunteer their time and talents toward serving their community by recognizing those who retired during the past year. Mayor Johnson will present Certificates of Recognition to the following retirees:

Library Board of Trustees

Deane Savage            2008 – 2011  
George Neely            2007 – 2011

Lodi Animal Advisory Commission

Gina Mendes            2007 – 2010

Lodi Arts Commission

J. Mark Hamilton        2008 – 2011

Lodi Improvement Committee

Reyes Jaramillo        2008 – 2011  
Rosie Ortiz              2007 – 2011

Recreation Commission

Ken Sasaki                1998 – 2010  
Ed Wall                    1992 – 2010

Senior Citizens Commission

Kathryn Siddle           2005 – 2010

Site Plan & Architectural Review Committee

Reyes Jaramillo        2008 – 2011  
Keith Selleseth         1995 – 2010

**FISCAL IMPACT:**            None required.

**FUNDING AVAILABLE:**      None required.

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Randi Johl  
City Clerk

RJ/jmr

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APPROVED: \_\_\_\_\_  
Konradt Bartlam, City Manager



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Presentation of Mayor's Community Service Award  
**MEETING DATE:** December 7, 2011  
**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Mayor Johnson to present the Mayor's Community Service Award to the Lodi Partners Program and representatives of Lodi House.

**BACKGROUND INFORMATION:** Mayor Johnson has selected the Lodi Partners Program and Lodi House to receive the prestigious Mayor's Community Service Award for 2011. Representatives of both groups will be at the meeting to accept the award.

**FISCAL IMPACT:** None required.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk

RJ/JMR

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**APPROVED:** \_\_\_\_\_  
Konradt Bartlam, City Manager



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Receive Register of Claims through November 10, 2011 in the Total Amount of \$3,531,082.25

**MEETING DATE:** December 7, 2011

**PREPARED BY:** Financial Services Manager

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**RECOMMENDED ACTION:** Receive the attached Register of Claims for \$3,531,082.25.

**BACKGROUND INFORMATION:** Attached is the Register of Claims in the amount of \$3,531,082.25 through 11/10/11. Also attached is Payroll in the amount of \$1,145,420.06.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** As per attached report.

\_\_\_\_\_  
Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

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**APPROVED:** \_\_\_\_\_  
Konradt Bartlam, City Manager

Accounts Payable  
Council Report

Page - 1  
Date - 11/15/11

As of Thursday	Fund	Name	Amount
11/10/11	00100	General Fund	1,210,789.26
	00120	Vehicle Replacement Fund	37,674.56
	00160	Electric Utility Fund	41,180.19
	00161	Utility Outlay Reserve Fund	45,862.89
	00164	Public Benefits Fund	19,960.24
	00170	Waste Water Utility Fund	63,486.82
	00171	Waste Wtr Util-Capital Outlay	1,001.83
	00180	Water Utility Fund	15,472.65
	00181	Water Utility-Capital Outlay	1,568,079.70
	00182	IMF Water Facilities	15,930.17
	00210	Library Fund	3,505.77
	00234	Local Law Enforce Block Grant	3,805.01
	00235	LPD-Public Safety Prog AB 1913	60.87
	00260	Internal Service/Equip Maint	27,194.44
	00270	Employee Benefits	16,256.19
	00300	General Liabilities	784.75
	00310	Worker's Comp Insurance	24,727.66
	00321	Gas Tax-2105,2106,2107	8,723.65
	00325	Measure K Funds	22,158.24
	00340	Comm Dev Special Rev Fund	1,141.21
	00347	Parks, Rec & Cultural Services	53,299.20
	00502	L&L Dist Z1-Almond Estates	395.03
	00503	L&L Dist Z2-Century Meadows I	249.50
	00506	L&L Dist Z5-Legacy I,II,Kirst	665.32
	00507	L&L Dist Z6-The Villas	561.37
	00509	L&L Dist Z8-Vintage Oaks	207.91
	00550	SJC Facilities Fees-Future Dev	6,977.98
	01211	Capital Outlay/General Fund	86,982.94
	01215	IMF Police Facilities	18,475.22
	01216	IMF Fire Facilities	18,320.58
	01241	LTF-Pedestrian/Bike	7,054.13
	01250	Dial-a-Ride/Transportation	1,972.56
	01410	Expendable Trust	12,473.32
Sum			3,335,431.16
	00184	Water PCE-TCE-Settlements	252.00
	00185	PCE/TCE Rate Abatement Fund	152,874.70
	00190	Central Plume	42,524.39
Sum			195,651.09
Total Sum			3,531,082.25

Council Report for Payroll

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	10/30/11	00100	General Fund	684,610.77
		00160	Electric Utility Fund	132,696.11
		00161	Utility Outlay Reserve Fund	9,821.04
		00164	Public Benefits Fund	3,405.40
		00170	Waste Water Utility Fund	99,483.29
		00180	Water Utility Fund	311.04
		00210	Library Fund	28,008.43
		00235	LPD-Public Safety Prog AB 1913	923.20
		00260	Internal Service/Equip Maint	16,888.16
		00321	Gas Tax-2105,2106,2107	28,606.16
		00340	Comm Dev Special Rev Fund	21,343.83
		00345	Community Center	266.58
		00346	Recreation Fund	170.00
		00347	Parks, Rec & Cultural Services	110,595.63
		01250	Dial-a-Ride/Transportation	8,290.42
Pay Period Total:				
Sum				1,145,420.06



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Approve Minutes  
a) November 15, 2011 (Shirtsleeve Session)  
b) November 16, 2011 (Regular Meeting)  
c) November 22, 2011 (Shirtsleeve Session)  
d) November 22, 2011 (Special Meeting)  
e) November 29, 2011 (Shirtsleeve Session)

**MEETING DATE:** December 7, 2011

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Approve the following minutes as prepared:  
a) November 15, 2011 (Shirtsleeve Session)  
b) November 16, 2011 (Regular Meeting)  
c) November 22, 2011 (Shirtsleeve Session)  
d) November 22, 2011 (Special Meeting)  
e) November 29, 2011 (Shirtsleeve Session)

**BACKGROUND INFORMATION:** Attached are copies of the subject minutes marked Exhibit A through E, respectively.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk

Attachments

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**APPROVED:** \_\_\_\_\_  
Konradt Bartlam, City Manager

**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, NOVEMBER 15, 2011**

The November 15, 2011, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl  
City Clerk

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, NOVEMBER 16, 2011**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of November 16, 2011, was called to order by Mayor Johnson at 6:00 p.m.

Present: Council Member Hansen, Council Member Katzakian, Council Member Nakanishi, and Mayor Johnson

Absent: Mayor Pro Tempore Mounce

Also Present: City Manager Bartlam, Deputy City Attorney Magdich, and City Clerk Johl

C-2 Announcement of Closed Session

- a) Conference with Stephen Schwabauer, City Attorney, and Dean Gualco, Human Resources Manager (Labor Negotiators), Regarding Unrepresented Executive Management, Lodi City Mid-Management Association, Unrepresented Confidential Employees, AFSCME General Services and Maintenance & Operators, International Brotherhood of Electrical Workers, Fire Mid-Managers, and Lodi Professional Firefighters Pursuant to Government Code §54957.6
- b) Conference with Stephen Schwabauer, City Attorney (Labor Negotiator), Regarding Police Mid-Managers, Lodi Police Officers Association, and Lodi Police Dispatchers Association Pursuant to Government Code §54957.6
- c) Government Code Section 54956.9(b)(c); Exposure to Litigation; Lodi Unified School District v. City of Lodi Regarding Alleged Utility Overcharges

C-3 Adjourn to Closed Session

At 6:00 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:35 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Johnson reconvened the City Council meeting, and Deputy City Attorney Magdich disclosed the following actions.

Items C-02 (a) and C-02 (b) were discussion only with no reportable action.

In regard to Item C-02 (c), the City Council provided direction with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of November 16, 2011, was called to order by Mayor Johnson at 7:00 p.m.

Present: Council Member Hansen, Council Member Katzakian, Council Member Nakanishi, and Mayor Johnson

Absent: Mayor Pro Tempore Mounce

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

B. Presentations - None

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

Mayor Johnson made a motion, second by Council Member Katzakian, to approve the following items hereinafter set forth in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tempore Mounce

C-1 Receive Register of Claims in the Amount of \$9,199,336.53 (FIN)

Claims were approved in the amount of \$9,199,336.53.

C-2 Approve Minutes (CLK)

The minutes of October 19, 2011 (Regular Meeting), November 1, 2011 (Shirtsleeve Session), November 2, 2011 (Regular Meeting), and November 8, 2011 (Shirtsleeve Session) were approved as written.

C-3 Accept Quarterly Report of Purchases Between \$5,000 and \$20,000 (CM)

Accepted the quarterly report of purchases between \$5,000 and \$20,000.

C-4 Approve Specifications and Authorize Advertisement for Bids for City of Lodi Facility Painting Project at Various Locations (PW)

Approved the specifications and authorized advertisement for bids for City of Lodi Facility Painting Project at Various Locations.

C-5 Approve Specifications and Authorize Advertisement for Bids to Procure Polemount and Padmount Transformers (EUD)

Approved the specifications and authorized advertisement for bids to procure polemount and padmount transformers.

C-6 Adopt Resolution Approving the Purchase of a Replacement Bucket Truck from Altec Industries, Inc., of Dixon (\$95,405) (EUD)

Adopted Resolution No. 2011-176 approving the purchase of a replacement bucket truck from Altec Industries, Inc., of Dixon, in the amount of \$95,405.

C-7 Adopt Resolution Authorizing the City Manager to Execute Purchase Order with Downtown Ford Sales, of Sacramento, for 2011 Ford F550 Truck and Utility Bed (\$88,823.95) (PW)

Adopted Resolution No. 2011-177 authorizing the City Manager to execute purchase order with Downtown Ford Sales, of Sacramento, for 2011 Ford F550 truck and utility bed in the amount of \$88,823.95.

In response to Council Member Nakanishi, Deputy City Manager Jordan Ayers stated the City looks to purchase vehicles from Lodi first in an effort to retain sales tax locally but in some cases purchases are made outside of Lodi, as in the instant case, because the overall savings is greater than the sales tax amount.

C-8 Accept Improvements Under Contract for Kofu Park Community Building Energy Efficiency Project (PW)

Accepted the improvements under contract for Kofu Park Community Building Energy Efficiency Project.

C-9 Adopt Resolution Authorizing the City Manager to Execute Improvement Deferral Agreement for 27 East Locust Street (PW)

Adopted Resolution No. 2011-178 authorizing the City Manager to execute Improvement Deferral Agreement for 27 East Locust Street.

C-10 Adopt Resolution Authorizing the City Manager to Execute Third Supplemental Agreement to Pixley Park Property Exchange Agreement and Improvement Agreement with GFLIP III, L. P., to Provide Time Extension (PW)

Adopted Resolution No. 2011-179 authorizing the City Manager to execute Third Supplemental Agreement to Pixley Park Property Exchange Agreement and Improvement Agreement with GFLIP III, L. P., to provide time extension.

C-11 Adopt Resolution Authorizing the City Manager to Execute Task Order No. 32 with West Yost Associates, of Davis, for Preparation of the City's Report of Waste Discharge (\$33,100) (PW)

Adopted Resolution No. 2011-180 authorizing the City Manager to execute Task Order No. 32 with West Yost Associates, of Davis, for preparation of the City's Report of Waste Discharge in the amount of \$33,100.

C-12 Adopt Resolution Ratifying Employment Agreement Entered Into Between the City of Lodi and Lawrence R. Rooney (CM)

Adopted Resolution No. 2011-181 ratifying Employment Agreement entered into between the City of Lodi and Fire Chief Lawrence R. Rooney.

C-13 Adopt Resolution Authorizing the City Manager to Amend the Energy Efficiency Financing Program (EUD)

Adopted Resolution No. 2011-182 authorizing the City Manager to amend the Energy Efficiency Financing Program.

C-14 Receive Report Regarding Communications Pertaining to the California High-Speed Rail Authority and American Recovery and Reinvestment Act Funding (CLK)

Received report regarding communications pertaining to the California High-Speed Rail Authority and American Recovery and Reinvestment Act funding.

C-15 Set Public Hearing for December 21, 2011, to Consider Adopting Resolution Setting Pre-Approved Engineering News Record Adjustment Index for Usage-Based and Flat Water

Rates (PW)

Set public hearing for December 21, 2011, to consider adopting resolution setting pre-approved Engineering News Record adjustment index for usage-based and flat water rates.

D. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. 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.

Jane Wagner-Tyack spoke in support of the new treatment plant facility being staffed by City of Lodi employees and submitted a letter for the record outlining the same.

Jerry Glenn, representing Lodi Adopt-A-Child, encouraged the City Council and residents to participate in the annual holiday toy and clothing drive for the children.

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

Council Member Hansen invited the public to Wags to Riches, a new thrift store, and the ribbon cutting on November 18, 2011.

Council Member Nakanishi provided a brief status of the State budget with respect to anticipated revenues and expenditures.

Mayor Johnson asked the City Manager to calendar a Shirtsleeve Session or regular meeting with the Lodi Animal Commission to discuss its most recent letter, which questioned the direction of the City Council for the Commission.

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

City Manager Bartlam wished City Attorney Schwabauer a speedy recovery and return.

G. Public Hearings

G-1 Public Hearing to Consider Unmet Transit Needs in Lodi (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider unmet transit needs in Lodi.

Public Works Director Wally Sandelin provided a brief overview of the proposed public hearing to consider unmet transit needs as discussed in the staff report.

Mayor Johnson opened the public hearing and receiving no public comment closed the hearing.

No additional action was required at the present time.

G-2 Public Hearing to Consider Adopting Resolution Confirming the 2012 Annual Report and Levy of Assessments within the Lodi Tourism Business Improvement District (CM)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider adopting a resolution confirming the 2012 Annual Report and levy of assessments within the Lodi Tourism Business Improvement District.

Deputy City Manager Jordan Ayers provided a brief overview of the proposed public hearing and levy of assessments as outlined in the staff report.

In response to Council Member Nakanishi, Mr. Ayers stated the transient oriented tax is 9%, of which the City receives 6% and Visit Lodi receives 3%. He stated the program has been in place for approximately five years.

Mayor Johnson opened and closed the public hearing after receiving no public comment.

Mayor Johnson made a motion, second by Council Member Katzakian, to adopt Resolution No. 2011-183 confirming the 2012 Annual Report and levy of assessments within the Lodi Tourism Business Improvement District.

**VOTE:**

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tempore Mounce

**G-3 Public Hearing to Introduce an Ordinance Establishing a Fee Recovery Schedule for the Lodi Energy Theft Diversion Program (EUD)**

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider introduction of an ordinance establishing a fee recovery schedule for the Lodi Energy Theft Diversion Program.

Customer Services and Programs Manager Rob Lechner provided a PowerPoint presentation regarding the energy theft diversion and field services fee recovery schedule. Specific topics of discussion included the purpose of the new fee schedule, theft diversion statistics, proposed fee recovery schedule, and comparisons with other agencies.

In response to Mayor Johnson, Mr. Lechner stated once the houses are sealed some customers will pay and others will not and in those cases code enforcement will become involved as a health and safety matter.

In response to Council Member Nakanishi, Mr. Lechner stated the fees only apply to those who steal the energy and fee collection occurs when the energy is restored.

In response to Council Member Hansen, Mr. Lechner stated the utility is turning off approximately 60 customers per week for non-payment.

In response to Council Member Nakanishi, Mr. Lechner stated many other agencies have similar energy theft diversion programs.

In response to Mayor Johnson, Deputy City Manager Jordan Ayers stated the City loses a total of \$545,000 annually in bad debt write-off.

In response to Council Member Hansen, Mr. Lechner stated the vehicle and equipment fees are already in the existing rules and regulations and are based on actual fuel and wear and tear costs.

In response to Council Member Hansen, Mr. Lechner stated the utility seals during all weeks throughout the year except holiday weeks.

In response to Mayor Johnson, Mr. Ayers stated the recapture rate for energy is high because payment is collected prior to energy service being restored.

Mayor Johnson opened the public hearing to receive public comment.

In response to Kathy Polinsky, Mr. Lechner stated the nighthawk collar is only placed on a meter when necessary for repeat offenders.

John Slaughterback spoke in favor of the proposed item, stating it is important for the program to serve as a deterrent.

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

Council Member Hansen made a motion, second by Council Member Katzakian, to introduce Ordinance No. 1855 establishing a fee recovery schedule for the Lodi Energy Theft Diversion Program excluding the "Vehicle and Equipment Fees" of \$15, \$4, and \$3, respectively.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Nakanishi

Absent: Mayor Pro Tempore Mounce

H. Communications

H-1 Post for Vacancy on the Lodi Animal Advisory Commission (CLK)

This item was pulled from the agenda.

I. Regular Calendar

I-1 Adopt Resolution Authorizing the City Manager and Treasurer to Execute Agreements for Remit Plus Software, Merchant Card Services, and Remote Deposit Services with Jack Henry and Associates, Inc., Elavon, Inc., and Farmers & Merchants Bank of Central California and Direct City Manager and Treasurer to Negotiate a Banking Services Contract with Farmers & Merchants Bank (CM)

Deputy City Manager Jordan Ayers provided a PowerPoint presentation regarding banking services. Specific topics of discussion included the current status of banking services, recommendations regarding optional and mandatory services, lockbox alternatives and costs, merchant card services and costs, remote deposit capture and costs, and authorization to negotiate a banking services contract with various minimum terms.

In response to Council Member Hansen, Mr. Ayers stated the \$6 card fee is currently absorbed by the City and with the new contract will be reduced to \$1.17 per transaction.

In response to Council Member Katzakian, Mr. Ayers stated federal regulations dictate how long paper checks must be kept and they are shredded thereafter.

In response to Council Member Nakanishi, Mr. Ayers stated many agencies, including the larger cities, have been doing electronic check deposits for some time.

In response to Council Member Hansen, Mr. Ayers stated the City is not looking to expand services at any of the three pay station locations, which are cash-operated by independent vendors.

In response to Mayor Johnson, Mr. Ayers stated the proposed three actions are independent of a future banking services contract with F & M Bank. City Manager Bartlam stated that, although F & M Bank is fronting some costs, there may be a need to reimburse if a future agreement cannot be reached.

Krista Steele, representing F & M Bank, stated the current proposal and costs were fronted in good faith by the bank regardless of what happens in the future.

Mayor Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2011-184 authorizing the City Manager and Treasurer to execute agreements for Remit Plus software, merchant card services, and remote deposit services with Jack Henry and Associates, Inc., Elavon, Inc., and Farmers & Merchants Bank of Central California and direct the City Manager and Treasurer to negotiate a banking services contract with Farmers & Merchants Bank.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tempore Mounce

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:25 p.m.

ATTEST:

Randi Johl  
City Clerk

**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, NOVEMBER 22, 2011**

The November 22, 2011, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Jennifer M. Robison  
Assistant City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, NOVEMBER 22, 2011**

A. Call to Order / Roll Call

The Special City Council meeting of November 22, 2011, was called to order by Mayor Johnson at 7:00 a.m.

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

Absent: None

Also Present: City Manager Bartlam, City Attorney Schwabauer, and Assistant City Clerk Robison

B. Regular Calendar

B-1 Adopt Resolution Authorizing Recruitments to Staff the City's Water Treatment Plant and Appropriating Funds (\$225,000) (PW)

City Manager Rad Bartlam briefly introduced the subject matter of the City's Water Treatment Plant staffing.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding recruitments to staff the City's Water Treatment Plant. Specific topics of discussion included a revised comparison of staffing, a detailed cost comparison, Public Works utilities organizational chart, justification, and staff recommendation to recruit City staff and appropriate funds.

In response to Mayor Johnson, Mr. Sandelin stated that the regulatory agencies will have an impact on staffing levels due to the parameters they set on operation and the performance and quality standards the plant will be required to meet. Further, Mr. Sandelin detailed the costs in the "other" category, which include the operation of the lift station, pump stations, and the Supervisory Control and Data Acquisition (SCADA) system and additional costs for the City to maintain the water plant.

In response to Council Member Hansen, Mr. Sandelin stated that the City currently has 17 Grade 2 and 3 positions available to backfill in case of illness or vacation, the certification is standard, and these positions work at White Slough, City Hall, and on both the water and wastewater side. A manager would be at a Grade 4.

In response to Mayor Johnson, Mr. Sandelin stated that, if the maintenance of the wells component were removed from the contract, the project should be rebid in order to create a level playing field for all. Mr. Bartlam explained that it would be difficult to separate the wells from the plant operation as the operations need to work in conjunction with each other regardless of who is handling it. Mr. Sandelin added there is also the PCE/TCE issue with the wells and City staff has a much stronger understanding of that complexity.

In response to Council Member Katzakian, Mr. Sandelin stated that under the current terms of the agreement the City may use the banked Woodbridge Irrigation District water but not beyond the term of the contract

City Attorney Schwabauer provided examples of the complexity of well operations involving PCE/TCE, DBCP, and settlement agreements with complicated regulations that could require

increased production at the plant and various locations and be a highly coordinated effort between the system operator, state regulators, and/or the health department. Mr. Bartlam stated that, if Council decision is to privatize, responsibility for the wells would shift to the contractor and he cautioned that bifurcating wells from the treatment system may have a negative impact on operations.

In response to Council Member Hansen, Mr. Sandelin stated that the plant could potentially push more than 7,000 acre feet annually because of the high quality of water and it would draw less from the underground water system. Water would be stored in the new 3 million gallon storage tank, be pumped down the transmission line which connects into the system, and be distributed through the existing pipes. Mr. Bartlam stated well water and treated surface water blends into the system at the transmission point.

Mayor Pro Tempore Mounce requested that signage be put up informing the community of the new water treatment plant.

In response to Council Member Nakanishi, Mr. Sandelin stated that labor costs are comparable and he found that the primary reason other communities entered into a public-private partnership was to have someone else operate the plant, hire and manage staff, and order supplies; however, most of these communities do not have their own utilities or the experience that Lodi has. Council Member Nakanishi stressed that transparency and control are important and he felt the City would not have this with a private company.

In response to Mayor Pro Tempore Mounce, Mr. Schwabauer stated that a contract could be written to place liability on the contractor; however, he could not draft an agreement that would be tight enough to address every potential exposure (i.e. who caused fine, improper behavior, act of god, etc.).

William Schwarz, Business Manager with Southwest, believed this process was skewed and there was an unlevel playing field. Southwest submitted a proposal that would save the City significant money, which should be the driver in this decision. Mr. Schwarz clarified that Southwest does have experience operating wells and responded to the reports regarding violations with its various contracts.

Council Member Hansen pointed out that Southwest received fines from multiple jurisdictions for multiple years and for multiple occurrences and that it reached an agreement for \$1.2 million this past February, which concerned him greatly.

Mayor Johnson questioned if it was accurate to state that the violations took place under ECO Resources, which Southwest then purchased and inherited the problem, to which Mr. Schwarz replied in the affirmative.

Shilen Patel, representing Veolia, stated that Veolia has the track record to achieve the results the City is looking for at a cost savings. He clarified that its proposal includes a pall membrane expert who would handle the start-up transitioning, Veolia would provide liability and own up to any mistakes, and if the City decided to take over the operations it could do so at the end of the contract term.

Jane Wagner-Tyack spoke in support of staffing the plant with City staff based on the City's experience, public transparency, and conservation of City resources.

Ed Miller spoke in support of outsourcing management of the water treatment plant and submitted a letter outlining his reasons, which in part include reduction in City costs, realization of savings to allow maintenance and upgrading of City wells, and elimination of liability for employee benefits,

pension, and workers compensation and operational fines.

In response to Mayor Pro Tempore Mounce, Mr. Miller stated any costs associated with adding additional staff would be borne by the contractor, whereas under City management the costs would become permanent. He was unsure if the two contractors operate pall membrane plants.

Dale Gillespie spoke in support of staffing the plant with City staff based on the City's experience and importance of water quality.

Ann Cerney spoke in support of staffing the plant with City staff based on the City's experience and high quality of City employees.

Mayor Pro Tempore Mounce made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2011-185 authorizing recruitments to staff the City's Water Treatment Plant and appropriating funds in the amount of \$225,000.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Katakian, and Mayor Johnson

Absent: None

C. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:22 a.m.

ATTEST:

Jennifer M. Robison  
Assistant City Clerk

**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, NOVEMBER 29, 2011**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, November 29, 2011, commencing at 7:00 a.m.

Present: Council Member Hansen, Council Member Katzakian, Council Member Nakanishi, and Mayor Johnson

Absent: Mayor Pro Tempore Mounce

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

B. Topic(s)

B-1 Parks, Recreation, and Cultural Services Department Annual Report for Fiscal Year 2010/11 (PRCS)

Parks, Recreation and Cultural Services Director Jim Rodems provided a PowerPoint presentation regarding the annual report for the department for Fiscal Year 2010/11. Specific topics of discussion included an overview, 2010/11 budget, two-year comparisons, deficit issues, program areas, current challenges, parks highlights, department accomplishments, and goals for 2011/12. City Manager Bartlam and Mr. Rodems also reviewed a memorandum with the City Council outlining mitigating measures for certain departmental challenges.

In response to Council Member Hansen, Mr. Rodems stated the decline in revenue mirrors the economic environment and includes a decrease in the amount of program participants.

In response to Council Member Hansen, Mr. Rodems stated staff makes conservative estimates for the budget and takes into consideration previous year estimates and actuals.

In response to Council Member Hansen, Mr. Rodems stated the 2010/11 two-year comparison numbers include revenues, expenditures, and General Fund transfers.

In response to Council Member Nakanishi, Mr. Bartlam stated the department deficit is paid by the General Fund.

In response to Mayor Johnson, Mr. Bartlam stated currently there is no set formula for the General Fund contribution to the department.

In response to Council Member Hansen, Mr. Rodems stated the department does its best to recover actual costs, including maintenance and operations, with rental fees. A brief discussion ensued amongst the City Council and Mr. Bartlam regarding the joint use agreement between the City and the Lodi Unified School District.

Council Member Nakanishi requested a list of activities and programs covered by the joint use agreement between the City and the School District.

In response to Council Member Hansen, Mr. Rodems stated the increased labor cost numbers also include retirement and medical.

In response to Mayor Johnson, Mr. Rodems stated the Hutchins Street Square Foundation and

staff have been working on a wish list similar to the one used for the Loel Center.

In response to Council Member Hansen, Mr. Rodems stated the adopt-a-park program could include regular cleaning of the park itself, park restrooms, raking leaves, and other non-power tool clean-up activities. Mr. Rodems stated signs would be placed at the parks identifying the adoptee and the program would have to run a few cycles for staff to evaluate the true cost savings with the program.

In response to Council Member Nakanishi, Mr. Rodems stated staff has previously worked with church groups and other organizations for parks programs and will continue to explore those opportunities for partnerships.

In response to Council Member Hansen, Recreation Supervisor Michael Reese confirmed that, with respect to youth basketball, church teams could play both public and private teams and are competitive with the City's programs.

In response to Council Member Hansen, Mr. Rodems stated Roget Park is programmed as a passive park with Bocce ball courts, game tables, circuit training, walking path, and a natural landscape.

In response to Council Member Nakanishi, Mr. Rodems stated Roget Park was funded through the sale of the property to Eden Housing for the development of affordable housing for seniors.

In response to Council Member Hansen, Mr. Rodems stated the new grass at DeBenedetti Park has less of a dormancy level than normal Bermuda grass. Parks Superintendent Steve Dutra confirmed the grass will turn brown for three to four weeks only.

In response to Council Member Hansen, Mr. Rodems stated the tree program at DeBenedetti Park will conclude on Arbor Day.

In response to Mayor Johnson, Mr. Bartlam stated the decision as to whether or not to have a fence at DeBenedetti Park has not yet been made.

A brief discussion ensued between Council Member Hansen and Mr. Rodems regarding resident versus non-resident fees, fee reductions, and previous tier reductions.

In response to Mayor Johnson, Mr. Bartlam stated there are some restrictions on the use of the portion of Hutchins Street Square, which is currently the senior facility.

In response to Council Member Hansen, Mr. Bartlam stated any savings realized from contracting services would go to offset the departmental budget deficiency.

In response to Council Member Katakian, Mr. Bartlam confirmed that two new parks will create more maintenance needs even though Roget is designed to be a low-maintenance park.

In response to Council Member Nakanishi, Mr. Rodems stated the General Fund equally subsidizes Hutchins Street Square and Parks and Recreation.

In response to Council Member Hansen, Mr. Rodems stated Boosters of Boys and Girls Sports Organization and the Lodi Arts Foundation both still provide scholarships for youth to participate in programs.

A brief discussion ensued amongst the City Council, Mr. Bartlam, and Mr. Rodems regarding the long-term sustainability and need for the programs and public outreach efforts.

In response to Myrna Wetzel, Mr. Rodems stated the department spends approximately \$20,000 annually on vandalism and graffiti abatement at the parks.

In response to Council Member Hansen, Mr. Bartlam stated the Community Development Block Grant funds can only be used for graffiti abatement in certain areas with specific property owners.

Mr. Dutra briefly spoke regarding department challenges, partnerships, volunteerism, maintenance levels, deferred maintenance, self audits, and the option for contract services.

Larry Long, representing the Recreation Commission, commended staff and the City Council for supporting parks and recreation programs in the City and the ongoing need to do so in the future.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 8:27 a.m.

ATTEST:

Randi Johl  
City Clerk



# CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Accept Improvements Under Contract for Van Buskirk Park Playground Replacement Project, 600 North Pleasant Avenue

**MEETING DATE:** December 7, 2011

**PREPARED BY:** Public Works Director

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**RECOMMENDED ACTION:** Accept improvements under contract for Van Buskirk Park playground replacement project, 600 North Pleasant Avenue.

**BACKGROUND INFORMATION:** The project was awarded to A. M. Stephens Construction Company, Inc., of Lodi, on June 1, 2011, in the amount of \$47,410. The contract has been completed in substantial conformance with the plans and specifications approved by City Council on April 6, 2011.

The project consisted of removing and disposing of the existing playground equipment, 3,000 square feet of existing poured-in-place surfacing material and two concrete ramps. New work included providing and installing one matrix net cable climber, one two-bay arched swing, two concrete ramps, new engineered wood Fibar safety surfacing material and turf. The project also removed approximately 600 square feet of concrete walkway and replaced it with approximately 540 square feet of new redesigned concrete path of travel from Pleasant Avenue to the playground equipment.

The final contract price was \$55,497.50. The difference between the original contract price and the final contract price is due to two contract change orders. Contract Change Order No. 1, in the amount of \$3,865, was for the removal and replacement of curb, gutter and concrete flat work on Pleasant Avenue. This work was needed to repair the flow line of the existing gutter. Contract Change Order No. 2, in the amount of \$4,222.50, was issued to remove the existing 3-foot wide concrete walk and install new 12-inch wide concrete perimeter curbing around the existing swing area. The existing swing safety fall zone area needed to be increased to meet current playground regulations.

Following acceptance by the City Council, as required by law, the Public Works Director will file a Notice of Completion with the County Recorder's office. The notice serves to notify vendors and subcontractors that the project is complete and begins their 30-day period to file a stop notice requiring the City to withhold payments from the prime contractor in the event of a payment dispute.

**FISCAL IMPACT:** There is no direct impact to the Parks and Recreation Department budget.

**FUNDING AVAILABLE:** The project was funded by the 2010/11 Urban County Community Development Block Grant allocation.

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F. Wally Sandelin  
Public Works Director

Prepared by Steve Virrey, Park Project Coordinator  
cc: Lyman Chang, Senior Civil Engineer  
Joseph Wood, Service Manager

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**APPROVED:** \_\_\_\_\_  
Konradt Bartlam, City Manager



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Consider Notice of Cost to Grant Two Years Additional Service Credit Under Government Code Section 20903.

**MEETING DATE:** December 7, 2011

**SUBMITTED BY:** Human Resources Manager

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**RECOMMENDED ACTION:** Consider notice of cost to grant two years additional service credit Government Code Section 20903.

**BACKGROUND INFORMATION:** The CalPERS two-year additional service credit program, as established under California Government Code Section 20903, allows the City (as part of a budget reduction process) to offer a retirement incentive of two years service credit to employees. The current PERS contract allows the City, with Council approval, to offer the program to all employees.

The specific resolution would limit the two-year additional service credit incentive to the following classifications: Construction/Maintenance Supervisor, Electric Apparatus Mechanic, Distribution Planning Supervisor, Program Coordinator, Buyer, Fire Captain, Fire Engineer, Street Maintenance Worker III and Water/Wastewater Supervisor.

The program requires that participating employees be at least 50 years of age, have five years of service credit with PERS, and retire within a specified period of time as identified by the City. The intended effect of offering this incentive is an overall reduction in the workforce.

Government Code Section 7507 requires that the costs to provide this benefit as stated in Attachment A be made public at a public meeting at least two weeks prior to the adoption of the resolution. This communication serves as that public notice.

As stated earlier, the cost of the program must be made public for a minimum of two weeks. At the December 21, 2011 Council meeting, staff will present the resolution adopting the two years service credit purchase for those employees who will be offered this retirement option.

**FISCAL IMPACT:** The cost of this benefit will be amortized over 20 years and included in the City's CalPERS employer contribution rate beginning in FY 2012/2013.

**FUNDING AVAILABLE:** Not applicable.

\_\_\_\_\_  
Dean Gualco, Human Resources Manager

\_\_\_\_\_  
Jordan Ayers, Deputy City Manager/Internal Services Director

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APPROVED: \_\_\_\_\_  
Konradt Bartlam, City Manager

**TWO YEARS ADDITIONAL SERVICE CREDIT  
Section 20903**

ATTACHMENT A

**Estimated Employer Cost**

<b>Classification</b>	<b>Name</b>	<b>Annual Pay Rate</b>	<b>Cost Factor</b>	<b>PRSA* Yes or No</b>	<b>No PRSA</b>	<b>COLA 3%, 4%, 5%</b>	<b>Additional Employer Contributions</b>
Buyer	Randolph Lipelt	\$ 57,468.32	0.47	Yes		No	\$ 27,010.11
Construction/Maintenance Supervisor	Barry Fisher	\$ 108,451.20	0.53	Yes		No	\$ 57,479.14
Distribution Planning Supervisor	Edward Fitzpatrick	\$ 108,451.20	0.56	Yes		No	\$ 60,732.67
Electric Apparatus Mechanic	Lance Mauck	\$ 85,739.68	0.56	Yes		No	\$ 48,014.22
Fire Captain	William Broderick	\$ 89,013.75	0.87	No	0.95	No	\$ 73,569.86
Fire Captain	Joseph Hansen	\$ 89,013.75	0.87	No	0.95	No	\$ 73,569.86
Fire Captain	Timothy Thalken	\$ 89,013.75	0.87	No	0.95	No	\$ 73,569.86
Fire Captain	Pete Iturraran	\$ 89,013.75	0.87	No	0.95	No	\$ 73,569.86
Fire Engineer	John Heinrich	\$ 76,893.45	0.87	No	0.95	No	\$ 63,552.44
Program Coordinator	Diane Amaral	\$ 43,748.22	0.47	Yes		No	\$ 20,561.66
Street Maintenance Worker III	George Barajas	\$ 51,057.68	0.56	Yes		No	\$ 28,592.30
Street Maintenance Worker III	Randall McVinnie	\$ 51,057.68	0.56	Yes		No	\$ 28,592.30
Street Maintenance Worker III	Richard Morgan	\$ 51,057.68	0.47	Yes		No	\$ 23,997.11
Street Maintenance Worker III	Jose Vargas	\$ 51,057.68	0.47	Yes		No	\$ 23,997.11
Water/Wastewater Supervisor	Christopher Knoll	\$ 69,589.61	0.56	Yes		No	\$ 38,970.18
Water/Wastewater Supervisor	Kelly Powers	\$ 69,589.61	0.47	Yes		No	\$ 32,707.12
Water/Wastewater Supervisor	Ronald Stawski	\$ 69,589.61	0.56	Yes		No	\$ 38,970.18
Water/Wastewater Supervisor	Richard Lenfesty	\$ 69,589.61	0.47	Yes		No	\$ 32,707.12

**Cost: \$ 852,870.23**

**Salary Savings: \$ 1,388,985.84**

Estimated Increase in Employer Contribution: 0.003157075  
(Based on \$20,403,755 annual payroll for Misc. & Fire)

\*PRSA - Post Retirement Survivor Allowance

**Actual Annual Cost: \$ 60,031.05**

**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.

**Comments by the City Council Members on non-agenda items**



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Appointment to Lodi Arts Commission

**MEETING DATE:** December 7, 2011

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Concur with the Mayor's recommended appointment to Lodi Arts Commission.

**BACKGROUND INFORMATION:** Previously, the City Council directed the City Clerk to post for the vacancy on the Lodi Arts Commission. The Mayor reviewed the applications, conducted interviews, and recommends that the City Council concur with the following appointment.

**Lodi Arts Commission**

Rosa Flores-Alcaraz

Term to expire July 1, 2015

NOTE: Three applicants (one new application and two on file); posting ordered 3/3/10, 8/18/10, 10/6/10, 1/19/11, 3/2/11, 6/15/11, 10/5/11; application deadline open until filled

Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** Not applicable.

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Randi Johl  
City Clerk

RJ/JMR

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**APPROVED:** \_\_\_\_\_  
Konradt Bartlam, City Manager



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Ordinance No. 1855 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20 – Electrical Service – by Adding Section 13.20.020, 'Energy Theft Diversion/Field Services Fee Recovery Schedule'"

**MEETING DATE:** December 7, 2011

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1855.

**BACKGROUND INFORMATION:** Ordinance No. 1855 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20 – Electrical Service – by Adding Section 13.20.020, 'Energy Theft Diversion/Field Services Fee Recovery Schedule,'" was introduced at the regular City Council meeting of November 16, 2011.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**  
This ordinance has been approved as to form by the City Attorney.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk

RJ/jmr  
Attachment

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**APPROVED:** \_\_\_\_\_  
Konradt Bartlam, City Manager

ORDINANCE NO. 1855

AN ORDINANCE OF THE LODI CITY COUNCIL  
AMENDING LODI MUNICIPAL CODE CHAPTER 13.20 –  
ELECTRICAL SERVICE – BY ADDING SECTION  
13.20.020, “ENERGY THEFT DIVERSION/FIELD  
SERVICES FEE RECOVERY SCHEDULE”

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Section 13.20 – Electrical Service – is hereby amended by adding Section 13.20.020, “Energy Theft Diversion/Field Services Fee Recovery Schedule,” and shall read as follows:

Section 13.20.020 Energy Theft Diversion/Field Services Fee Recovery Schedule

A. PURPOSE: The Lodi City Council finds and determines that there is and has been a rise in utility theft in the City of Lodi whereby electricity services are being obtained without payment, including but not limited to, shutoff costs, meter tampering, damage to or removal of meter locking devices, energy diversion or theft of electric service, resulting in substantial monetary losses to the City’s ratepayers in the form of, including but not limited to, loss of revenue, replacement of damaged meters, meter testing fee and other related equipment replacement or repair costs, personnel time in investigating and remedying theft matters, investigative costs, and attorney’s fees. The purpose of this ordinance is to establish clear guidelines for the processing and recovery of revenues related to theft as well as costs, fees, and expenditures incurred by the City as a result of utilities theft as described herein.

B. ADOPTION OF FEES: The Lodi City Council shall from time to time establish by Resolution fees to be charged to utility account holders where the City incurs costs as a result of nonpayment, meter tampering, or actual or attempted theft of energy. Costs shall not exceed actual cost. Fees shall be limited to the following:

- 1) Theft Inspection Fee - shall be charged upon an inspection that shows that the meter has been tampered with or that the meter has been bypassed.
- 2) Field Services Field Trip Fee - shall be charged on accounts that are sealed for nonpayment.
- 3) Service Cut-At-Pole Fee – shall be charged on accounts that cannot be turned off at meter box when sealed for nonpayment or on accounts that the meter has been bypassed or tampered with.
- 4) Meter Set Fee – shall be charged when a meter must be replaced when the meter has been tampered with or bypassed.
- 5) Damaged Meter Test Fee – shall be charged when a meter must be tested after the meter was tampered with or bypassed.
- 6) Meter Ring Fee – shall be charged when meter ring must be replaced after the meter was tampered with or bypassed.

- 7) Padlock Fee – shall be charged when padlock must be installed or replaced after the meter was tampered with or bypassed.
- 8) Meter Cover Fee – shall be charged when meter cover must be replaced after the meter was tampered with or bypassed.
- 9) Damaged Meter Replacement Fee – shall be charged when meter is unrepairable and must be replaced after meter was tampered with or bypassed (separate fees for Single-Phase and/or Poly-Phase).
- 10) Nighthawk Collar/Nighthawk Meter Replacement Fee – shall be charged when Nighthawk Collar and/or Nighthawk meter must be replaced after the meter was tampered with or bypassed.

SECTION 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.

Approved this 7<sup>th</sup> day of December, 2011

\_\_\_\_\_  
BOB JOHNSON  
Mayor

Attest:

RANDI JOHL  
City Clerk

State of California  
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1855 was introduced at a regular meeting of the City Council of the City of Lodi held November 16, 2011, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held December 7, 2011, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1855 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL  
City Clerk

Approved to Form:

D. STEPHEN SCHWABAUER  
City Attorney



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Presentation to Outgoing Mayor and Reorganization of the Lodi City Council  
**MEETING DATE:** December 7, 2011  
**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Following presentation to the outgoing Mayor by City Manager Bartlam, adopt resolutions electing a Mayor and a Mayor Pro Tempore to serve the Lodi City Council.

**BACKGROUND INFORMATION:** Pursuant to Lodi Municipal Code §2.04.070, it is necessary that the City Council reorganize by electing a Mayor and Mayor Pro Tempore.

The reorganization of the City Council will take place as follows:

**Item K Reorganization of the Lodi City Council**

- Presentation to the Mayor by the City Manager.
- Comments by the Mayor.
- City Clerk will conduct the election for the office of Mayor.
- Following the election, the City Clerk will hand the gavel to the newly-elected Mayor, who will then conduct the election for the office of Mayor Pro Tempore.
- The newly-elected Mayor will then adjourn the meeting.

**FISCAL IMPACT:** N/A

**FUNDING AVAILABLE:** N/A

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Randi Johl  
City Clerk

RJ/JMR

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**APPROVED:** \_\_\_\_\_  
Konradt Bartlam, City Manager

RESOLUTION NO. 2011-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY  
COUNCIL CONFIRMING THE ELECTION  
OF THE MAYOR

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WHEREAS, reorganization of the City Council takes place at the first regular meeting in December each year; and

WHEREAS, during the reorganization, an election is held by the Council as a whole by nomination and vote for the positions of Mayor and Mayor Pro Tempore; and

WHEREAS, at its meeting held December 7, 2011, \_\_\_\_\_ was elected to serve as Mayor for a one-year period.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that Resolution No. 2011-\_\_\_\_\_ is hereby adopted confirming the election of \_\_\_\_\_ as Mayor of the City of Lodi for a one-year period; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its passage.

DATED: December 7, 2011

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I hereby certify that Resolution No. 2011-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held December 7, 2011, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2011-\_\_\_\_\_

RESOLUTION NO. 2011-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY  
COUNCIL CONFIRMING THE ELECTION OF  
THE MAYOR PRO TEMPORE

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WHEREAS, reorganization of the City Council takes place at the first regular meeting in December each year; and

WHEREAS, during the reorganization, an election is held by the Council as a whole by nomination and vote for the positions of Mayor and Mayor Pro Tempore; and

WHEREAS, at its meeting held December 7, 2011, \_\_\_\_\_ was elected to serve as Mayor Pro Tempore for a one-year period.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that Resolution No. 2011-\_\_\_\_\_ is hereby adopted confirming the election of \_\_\_\_\_ as Mayor Pro Tempore of the City of Lodi for a one-year period; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its passage.

DATED: December 7, 2011

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I hereby certify that Resolution No. 2011-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held December 7, 2011, by the following vote:

AYES: COUNCIL MEMBERS –  
NOES: COUNCIL MEMBERS –  
ABSENT: COUNCIL MEMBERS –  
ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2011-\_\_\_\_\_