

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, FEBRUARY 15, 2012**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of February 15, 2012, was called to order by Mayor Mounce at 5:30 p.m.

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

Absent: None

Also Present: City Manager Bartlam, City Attorney Schwabauer, 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) Conference with Stephen Schwabauer, City Attorney (Labor Negotiator), Regarding City Council Appointees, City Manager and City Clerk; Conference with Konradt Bartlam, City Manager (Labor Negotiator), Regarding City Council Appointee, City Attorney, Pursuant to Government Code §54957.6
- d) Prospective Lease of Real Property at 200 N. Beckman Road: Government Code Section 54956.8; Negotiators are John Stroh for San Joaquin County Mosquito and Vector Control and City Manager Konradt Bartlam

C-3 Adjourn to Closed Session

At 5:30 p.m., Mayor Mounce adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:50 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Mounce reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

Items C-2 (a), C-2 (b), and C-2 (d) were discussion only with no reportable action.

Item C-2 (c) was not discussed.

A. Call to Order / Roll Call

The Regular City Council meeting of February 15, 2012, was called to order by Mayor Mounce at

7:00 p.m.

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

Absent: None

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

B. Presentations

B-1 Presentation of Certificate of Recognition to Lodi Association of Realtors President, Diane Gallagher

Mayor Mounce presented a Certificate of Recognition to Diane Gallagher who was recently installed as the President of the Lodi Association of Realtors.

B-2 Legislative Update by League of California Cities Representative, Stephen Qualls

Stephen Qualls with the League of California Cities gave a legislative update to the City Council.

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

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

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$5,752,674.78 (FIN)

Claims were approved in the amount of \$5,752,674.78.

C-2 Approve Minutes (CLK)

The minutes of January 31, 2012 (Shirtsleeve Session), February 1, 2012 (Special Meeting), February 1, 2012 (Regular Meeting), and February 7, 2012 (Shirtsleeve Session) were approved as written.

C-3 Accept the Quarterly Investment Report as Required by Government Code Section 53646 and the City of Lodi Investment Policy (CM)

Accepted the quarterly investment report as required by Government Code Section 53646 and the City of Lodi Investment Policy.

C-4 Accept Quarterly Report of Purchases Between \$10,000 and \$20,000 (CM)

Accepted the quarterly report of purchases between \$10,000 and \$20,000.

C-5 Approve Specifications and Authorize Advertisement for Bids for Irrigation Improvements at White Slough Water Pollution Control Facility (PW)

Approved the specifications and authorized advertisement for bids for irrigation improvements at White Slough Water Pollution Control Facility.

C-6 Approve Specifications and Authorize Advertisement for Bids for Completion of Citywide Tree Survey 2012 (PW)

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

In response to Council Member Hansen, Public Works Director Wally Sandelin stated mistletoe is being aggressively removed in trees that will remain a part of the urban forest but is not being addressed in those trees that were previously approved for removal.

In response to Council Member Johnson, Mr. Sandelin stated the City-owned trees in City parks will be included in the tree survey as requested by the Parks and Recreation Department.

Council Member Johnson made a motion, second by Council Member Hansen, to approve specifications and authorize advertisement for bids for completion of Citywide tree survey 2012.

**VOTE:**

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-7 Accept Improvements Under Contract for 2011 Alley Reconstruction Project (PW)

Accepted the improvements under contract for 2011 Alley Reconstruction Project.

C-8 Accept Improvements Under Contract for Purchase and Installation of Energy Management System at City Hall (PW)

Accepted the improvements under contract for purchase and installation of energy management system at City Hall.

C-9 Adopt Resolution Accepting Improvements Under Contract for DeBenedetti Park - Phase I Improvements, 2350 South Lower Sacramento Road, and Appropriating Funds (\$44,000) (PW)

Adopted Resolution No. 2012-08 accepting improvements under contract for DeBenedetti Park - Phase I Improvements, 2350 South Lower Sacramento Road, and appropriating funds in the amount of \$44,000.

C-10 Adopt Resolution Awarding Contract for the Development of the Climate Action Plan to AECOM, of Sacramento, and Appropriating Funds (\$120,000) (CD)

Adopted Resolution No. 2012-09 awarding contract for the development of the Climate Action Plan to AECOM, of Sacramento, and appropriating funds in the amount of \$120,000.

C-11 Adopt Resolution Authorizing the City Manager to Execute Service Maintenance Agreement with Sungard Public Sector, Inc., of Lake Mary, Fla. (\$133,376.82) (PD)

Adopted Resolution No. 2012-10 authorizing the City Manager to execute service maintenance

agreement with Sungard Public Sector, Inc., of Lake Mary, Fla., in the amount of \$133,376.82.

C-12 Authorize City Manager to Extend the Term of the Contract with Mike Keller Consulting, LLC for Transmission and Distribution Services (EUD)

This item was pulled for further discussion by Mayor Pro Tempore Nakanishi. The request for additional information was withdrawn.

Mayor Pro Tempore Nakanishi made a motion, second by Council Member Katzakian, to authorize the City Manager to extend the term of the contract with Mike Keller Consulting, LLC for transmission and distribution services.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-13 Adopt Resolution Approving Benefit Modifications for Confidential Employees (CM)

Adopted Resolution No. 2012-11 approving benefit modifications for Confidential employees.

C-14 Set Public Hearing for March 21, 2012, to Consider Resolution Approving Contractual Consumer Price Index Based Annual Adjustment to Rates for Solid Waste Collection (PW)

Set public hearing for March 21, 2012, to consider resolution approving contractual Consumer Price Index based annual adjustment to rates for solid waste collection.

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.

Vincent Sayles spoke in regard to the importance of physical fitness.

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

None.

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

City Manager Bartlam commended the successful efforts of Tree Lodi and others involved with the tree planting at DeBenedetti Park over the weekend.

G. Public Hearings - None

H. Communications

H-1 Appointments to the Lodi Senior Citizens Commission, Personnel Board of Review, and the Site Plan and Architectural Review Committee (CLK)

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

Lodi Senior Citizens Commission

Terri Whitmire, term to expire December 31, 2015  
Tracy Williams, term to expire December 31, 2015

Personnel Board of Review

John Stroh, term to expire January 1, 2015

Site Plan and Architectural Review Committee

Tim Litton, term to expire January 1, 2016  
Roger Stafford, term to expire January 1, 2016

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H-2 Monthly Protocol Account Report (CLK)

Mayor Mounce made a motion, second by Council Member Johnson, to accept the cumulative Monthly Protocol Account Report through January 31, 2012.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I. Regular Calendar

I-1 Adopt Resolutions Approving Fiscal Year 2011/12 Mid-Year Budget Adjustments (CM)

Deputy City Manager/Finance Director Jordan Ayers provided a PowerPoint presentation regarding the 2011/12 mid-year budget review. Specific topics of discussion included the economic climate, general fund status, departmental variances, parks and recreation fund status, police special revenue fund status, library fund status, vehicle replacement fund, 2010/11 unreserved fund balance, and proposed uses for unreserved balance.

In response to Council Member Hansen, Mr. Ayers stated the 2% estimate on property tax revenue was primarily based on the actual prior year property tax revenue to the City.

In response to Mayor Mounce, Mr. Ayers stated in future years there will be a year to year comparison for part-time staff numbers in Parks and Recreation to ensure an appropriate amount is budgeted.

In response to Mayor Mounce, Mr. Ayers stated that, with respect to grant funds including

Community Oriented Policing Services (COPS), staff budgets for what it knows at a particular time and not what it hopes to receive.

In response to Mayor Mounce, Mr. Bartlam stated there was a \$200,000 loss in vehicle license fees (VLF) and a \$100,000 back fill to the COPS grant funds with a net loss of \$100,000 for the City.

In response to Council Member Johnson, Mr. Ayers stated a formula error at the State level discovered through an audit is what caused the \$200,000 corrected reallocation from the State.

In response to Mayor Pro Tempore Nakanishi, Mr. Ayers stated retirement cannot typically be spiked with overtime because CalPers looks at consistency. Mr. Ayers stated the true liability is that overtime can be cashed out at a higher rate in the future if it is banked and cashed out at a later date.

In response to Council Member Johnson, City Attorney Schwabauer stated the payment of the overtime banks will need to be discussed with the bargaining groups although the response will likely be favorable because it is cash in hand.

In response to Mayor Pro Tempore Nakanishi, Mr. Ayers stated from an audit perspective the City has to write off the redevelopment amount as it cannot be simply cancelled.

In response to Council Member Hansen, Mr. Schwabauer stated that, with respect to the Dean Trust that comes due in 2017, it is important to either pay off the debt in its entirety or fund the liability.

In response to Mayor Mounce, Mr. Ayers stated neither the 8% catastrophic reserve fund nor the 8% general fund reserve is fully funded at the current time pursuant to policy.

In response to Council Member Hansen, Mr. Bartlam stated the early working number for constructing Fire Station 2 is \$3 million.

In response to Mayor Pro Tempore Nakanishi, Management Analyst Jeanie Biskup confirmed State special grants are competitive, are sometimes split with the County and other agencies, and vary from year to year.

In response to Council Member Hansen, Mr. Ayers confirmed Proposition 172 funds are general fund monies dedicated to public safety and the amount received in the current year is \$290,000.

In response to Mayor Mounce, Mr. Bartlam confirmed Proposition 172 can only be changed with another voter-approved proposition.

Council Member Hansen made a motion, second by Mayor Mounce, to adopt Resolution No. 2012-12 amending the City of Lodi Financial Plan and Budget for the Fiscal Year beginning July 1, 2011 and ending June 30, 2012 and Resolution No. 2012-13 amending the City of Lodi 2011/12 Financial Plan and Budget by approving \$1,881,072 appropriation drawing down the General Fund fund balance.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I-2 Consider Recommendations and Responses to Lodi Animal Advisory Commission's 2010 Annual and 2011 Mid-Year Reports and Provide Direction Regarding Role of Commission (PD)

Police Chief Mark Helms provided a brief overview of the 2010 annual and 2011 mid-year reports from the Animal Commission as outlined in the staff report.

In response to Council Member Hansen, Mr. Bartlam stated that, with respect to retaining a grant writing service, the fees and commission vary based on the services required. Police Lieutenant Steve Carillo confirmed that recommendations two and three are already being done.

In response to Mayor Mounce, Lt. Carillo stated the web page links are already present and a direct link from the City's main web page can be added if desired.

In response to Council Member Hansen, Lt. Carillo stated People Assisting the Lodi Shelter is gathering records and reviewing options for automation of pet licensing, the City still has the truck that conveys the spay and neuter message, City Hall staff is assisting in keeping the web page updated, and staff can look into the possibility of enhancing the Segale mural to add an additional message of pet owner responsibility.

In response to Council Member Hansen, Lt. Carillo stated the feral cat issue is being addressed with the "Barnyard Cat Program" and most trap and release programs are run by private groups and not the cities.

In response to Mayor Mounce, Lt. Carillo stated there may be some interest through the commission in starting a private trap and release program.

In response to Mayor Mounce, City Attorney Schwabauer stated he will research the application of the City's Conflict of Interest Code and Fair Political Practices Commission rules to the animal shelter office manager position with respect to whether it is a decision-making position exercising control over City funds.

In response to Mayor Mounce, Mr. Bartlam stated staff will follow-up on the boards and commissions listing on the website to ensure it is up to date.

A brief discussion ensued between the City Council and Mr. Bartlam regarding the timing and presentation of the Animal Commission reports and the method of delivery of those reports through the City Clerk's office directly to the City Council.

Mayor Mounce suggested that staff look into options for a senior discount program for pet adoptions at the animal shelter.

Ed Miller spoke in regard to the availability of purchasing or renting an electronic sign for public outreach purposes regarding animal statistics and pet adoptions.

Phillip Laughlin, as Chair of the Animal Commission, thanked the City Council for considering the recommendations and offering feedback to the Commission.

J. Ordinances

J-1 Adopt Ordinance No. 1857 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 3.20 - Purchasing System - by Adding Section 3.20.106, 'Local Hire Policy and Apprenticeship'" (CLK)

Mayor Mounce made a motion, second by Council Member Hansen, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1857 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 3.20 - Purchasing System - by Adding Section 3.20.106, 'Local Hire Policy and Apprenticeship,'" which was introduced at a regular meeting of the Lodi City Council held February 1, 2012.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:50 p.m.

ATTEST:

Randi Johl  
City Clerk