

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 1, 2011**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of June 1, 2011, was called to order by Mayor Johnson at 6:00 p.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 City Clerk Johl

C-2 Announcement of Closed Session

- a) Conference with Stephen Schwabauer, City Attorney (Labor Negotiator), Regarding Unrepresented Executive Management, Lodi City Mid-Management Association, Unrepresented Confidential Employees, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, International Brotherhood of Electrical Workers, Fire Mid-Managers, and Lodi Professional Firefighters Pursuant to Government Code §54957.6
- b) Pursuant to Government Code §54956.9(c); One Potential Case; Conference with Legal Counsel - Initiation of Litigation: City of Lodi v. Lodi Police Officers' Association Regarding 2007-2011 Memorandum of Understanding; and Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Lodi Police Officers' Association Against City of Lodi Based on Concession Agreements
- c) Actual Litigation: Government Code §54956.9; One Application - Shana Lopez v. City of Lodi, Unassigned Case - 07/27/04

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 6:45 p.m.

C-4 Return to Open Session / Disclosure of Action

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

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

A. Call to Order / Roll Call

The Regular City Council meeting of June 1, 2011, was called to order by Mayor Johnson at 7:00 p.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 City Clerk Johl

B. Presentations

B-1 United States Army Week Proclamation

Mayor Johnson presented a proclamation to Sgt. Robert Prim proclaiming the week of June 11 - 17, 2011, as "United States Army Week" in the City of Lodi.

B-2 National Automotive Service Professionals Week Proclamation (PW)

Mayor Johnson presented a proclamation to Dennis Callahan, Fleet & Facilities Manager, proclaiming the week of June 6 - 12, 2011, as "National Automotive Service Professionals Week" in the City of Lodi.

B-3 Presentation of Resolution of Appreciation for the Mormon Helping Hands Project

Mayor Johnson presented a Resolution of Appreciation to Joseph Anderson, representing the Mormon Helping Hands Project, for its contribution in beautifying the City of Lodi.

B-4 Presentation of Certificates of Appreciation to Retiring Members of the Greater Lodi Area Youth Commission and Certificates of Recognition to Graduates of the Teen Lead Program (PRCS)

Following introductory comments by Brad VanderHamm, liaison to the Greater Lodi Area Youth Commission, Mayor Johnson presented Certificates of Appreciation to the following retiring students of the Greater Lodi Area Youth Commission: Derek Schatz, Ranjot Basram, Jason Larkin, Mandy Majidian, and Deyanira Nava. Further, the Mayor presented certificates to the following graduates of the Teen Lead Program: Dillon Olagaray, Darian Nobriga, Arely Hernandez, Ashley Gotelli, Alex Guendert, Cassandra Suarez, Charlene Lava, Chelscie Pacheco, Courtney Miller, Dipa Patel, Jaspreet Sidhu, Joe Athanasiou, Kristen Schlader, and Mia Magana.

B-5 Presentation by Lodi Art Center Regarding Open Air Artist Program in Downtown Lodi

Rich Allen, representing the Lodi Art Center, gave a presentation regarding its open air artist program to be held in Downtown Lodi on June 17, 18, and 19.

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

Mayor Pro Tempore Mounce 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, Mayor Pro Tempore Mounce, and Mayor Johnson

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$6,151,229.94 (FIN)

Claims were approved in the amount of \$6,151,229.94.

C-2 Approve Minutes (CLK)

The minutes of April 20, 2011 (Regular Meeting), May 4, 2011 (Regular Meeting), May 10, 2011 (Shirtsleeve Session), May 17, 2011 (Shirtsleeve Session), May 18, 2011 (Regular Meeting), May 18, 2011 (Special Meeting), May 23, 2011 (Special Joint Meeting w/Lodi Arts Commission), and May 24, 2011 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Asphalt Rubber Cape Seal, Various Streets, 2011 Project (PW)

Approved the plans and specifications and authorized advertisement for bids for Asphalt Rubber Cape Seal, Various Streets, 2011 Project.

C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for 2011 Disabled Access Improvements, 100 Block West Elm Street and 111 North Stockton Street (PW)

Approved the plans and specifications and authorized advertisement for bids for 2011 Disabled Access Improvements, 100 Block West Elm Street and 111 North Stockton Street.

C-5 Accept Memorial Bench and Plaque Project in Memory of Coach Don Womble (PRCS)

Accepted the memorial bench and plaque project in memory of Coach Don Womble.

C-6 Adopt Resolution Approving Contract with Lodi Unified School District to Provide After School Staff Support for the Bridge Program at Nine Locations During Fiscal Year 2011/12 (\$378,000) (PRCS)

Adopted Resolution No. 2011-82 approving the contract with Lodi Unified School District to provide after school staff support for the Bridge Program at nine locations during fiscal year 2011/12 in the amount of \$378,000.

C-7 Approve Assignment of Professional Services Agreement from InSite Environmental, Inc. to Kleinfelder West, Inc. for Environmental Services Related to the Lodi West 60kV Power Line Project (CM)

Approved the assignment of Professional Services Agreement from InSite Environmental, Inc. to Kleinfelder West, Inc. for environmental services related to the Lodi West 60kV Power Line Project.

C-8 Adopt Resolution Authorizing the City Manager to Execute Agreements and Purchase Orders for Fixed-Network System as Follows and Appropriating Funds (\$472,000): a) Professional Services Agreement with Itron, Inc. (\$179,570); b) Software License Agreement with Itron, Inc. (\$45,000); c) Four Blade Servers from Dell Marketing, LLP (\$52,722); d) Hardware from General Pacific, Inc. (\$103,041); and e) Radio Equipment (\$30,000) (PW)

Adopted Resolution No. 2011-83 authorizing the City Manager to execute agreements and purchase orders for fixed-network system as follows and appropriating funds in the amount of \$472,000: a) Professional Services Agreement with Itron, Inc. (\$179,570); b) Software License Agreement with Itron, Inc. (\$45,000); c) Four Blade Servers from Dell Marketing, LLP (\$52,722); d) Hardware from General Pacific, Inc. (\$103,041); and e) Radio Equipment (\$30,000).

C-9 Adopt Resolution Authorizing the City Manager to Execute Contract for Van Buskirk Park Playground Replacement, 600 North Pleasant Avenue, with A. M. Stephens Construction

Company, Inc., of Lodi (\$47,410) (PW)

Adopted Resolution No. 2011-84 authorizing the City Manager to execute contract for Van Buskirk Park Playground Replacement, 600 North Pleasant Avenue, with A. M. Stephens Construction Company, Inc., of Lodi, in the amount of \$47,410.

C-10 Adopt Resolution Ratifying the San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2011/12 (PW)

Adopted Resolution No. 2011-85 ratifying the San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2011/12.

C-11 Approve Budget Year 2011/12 Concession Agreements with Maintenance & Operators, General Services, Mid-Management, Fire, Fire Mid-Management, and Police Mid-Management (CA)

Approved the budget year 2011/12 concession agreements with Maintenance & Operators, General Services, Mid-Management, Fire, Fire Mid-Management, and Police Mid-Management.

C-12 Adopt Resolution Indicating Percentage of Employee's Share of Retirement Contributions that are Paid by City of Lodi for Each Specific Employee Category/Bargaining Group (CM)

Adopted Resolution No. 2011-86 indicating percentage of employee's share of retirement contributions that are paid by City of Lodi for each specific employee category/bargaining group.

C-13 Adopt Resolution Amending the CalPERS Contract Allowing Employees to Make Retirement Contributions with Pre-Tax Payroll Deductions (CM)

Adopted Resolution No. 2011-87 amending the CalPERS contract allowing employees to make retirement contributions with pre-tax payroll deductions.

C-14 Approve New Meeting Time for the Lodi Arts Commission (PRCS)

Approved the new meeting time for the Lodi Arts Commission.

C-15 Receive Report Regarding League of California Cities Communication Pertaining to Senate Bill 474 (CLK)

Received report regarding League of California Cities communication pertaining to Senate Bill 474.

- 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.

Carolyn Van Exel, representing the San Joaquin County Fair Board of Directors, invited the City Council and citizens to the fair to be held on June 15 - 19, 2011, at the San Joaquin County Fairgrounds.

Robin Rushing spoke in regard to his concerns about the electric utility billing cycle, which varies in days, and the effect on the tier system.

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

Council Member Nakanishi thanked City employees for their efforts in providing concessions to balance the budget.

Mayor Pro Tempore Mounce provided an update on the Governor's revised proposal with respect to enterprise zones.

Mayor Johnson wished Mayor Pro Tempore Mounce well with her health and suggested the City Council review options for reducing its salary in light of employee concessions.

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

None.

G. Public Hearings - None

H. Communications

H-1 Post for Vacancy on the Lodi Improvement Committee (CLK)

Mayor Johnson made a motion, second by Mayor Pro Tempore Mounce, to direct the City Clerk to post for the following vacancy:

Lodi Improvement Committee

James Finch, term to expire March 1, 2014

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I. Regular Calendar

I-1 Adopt Resolution Approving the City of Lodi Financial Plan and Budget for the Fiscal Year Beginning July 1, 2011 and Ending June 30, 2012, and Approving Fiscal Year 2011/12 Appropriation Spending Limit (CM)

City Manager Rad Bartlam and Deputy City Manager Jordan Ayers provided a PowerPoint presentation regarding the Fiscal Year 2011/12 Budget. Specific topics of discussion included an overview, all funds recap, general fund overview, staffing levels, employee concessions, major cost increases, workers compensation costs, retirement costs, medical costs, major capital projects, draft budget changes, general fund changes, enterprise fund changes, special revenue fund changes, and recommended actions.

In response to Council Member Nakanishi, Mr. Ayers stated fixed furloughs occur on the last Friday of the month and equal a 4.6% pay reduction. He stated the six floating furlough days must be taken prior to the end of the fiscal year and equal an additional 2.3% pay reduction.

In response to Council Member Hansen, Mr. Ayers stated if concessions are reached with Police the four police positions will remain and will not be laid off.

In response to Council Member Hansen, Mr. Ayers stated CalPers is one of the largest procurers of health care coverage, which helps to secure better rates; although, the City is tied to whatever rates CalPers is best able to negotiate.

In response to Council Member Hansen, Mr. Ayers stated the last wage related increase for the Consumer Price Index was 2.8%.

In response to Mayor Pro Tempore Mounce, Mr. Ayers stated the projected income from water meter installation prepayments is approximately \$900,000.

In response to Mayor Johnson, Mr. Ayers and Mr. Bartlam confirmed that 15 employees are taking the early retirement incentive, which impacts the budget because the resulting 11 to 12 positions that will remain unfunded result in an immediate salary and benefit savings.

In response to Mayor Pro Tempore Mounce, Mr. Bartlam stated departments are cross-training employees in an effort to retain the institutional knowledge held by the retiring employees.

In response to Council Member Hansen, Mr. Ayers stated long-term disability (LTD) is negotiated in employee contracts, there is a personal market for LTD insurance purchase, and the contracts do not indicate whether the benefit needs to be provided internally or externally.

In response to Council Member Hansen, Mr. Ayers stated the current budget has \$80,000 reserved for the LTD program.

In response to Council Member Hansen, Mr. Bartlam stated the economic development line includes a share of some personnel but mostly includes memberships for other organizations and subsidizing special events.

In response to Mayor Johnson, City Attorney Schwabauer stated the Library Board controls the library budget but does not control negotiations with employees, which is under the City Council purview.

In response to Mayor Pro Tempore Mounce, Mr. Bartlam stated the 9/80 schedule has not been implemented at the Library as it was designed more for 8:00 a.m. to 5:00 p.m. departments.

In response to Council Member Nakanishi, Library Services Director Nancy Martinez stated Lodi is the only city in the County that has its own library as all others contract with the County and Stockton. She stated the Library does not receive any money from the County.

In response to Council Member Hansen, Ms. Martinez stated a reduction of some part-time hours will result in the Library being open approximately 48 hours per week, it is currently open 52 hours per week, typically the Library is open from 10:00 a.m. to 9:00 p.m. three evenings a week, and staff is looking into options for 9/80 schedules and service levels.

Mayor Pro Tempore Mounce requested information on departmental membership dues and the value of the same, professional services contracts entered into over the last three years and the ability to perform those services in-house, and additional savings that may be realized from moving services, as was done previously with the Finance Department, into City-owned facilities versus renting space.

In response to Council Member Hansen, Mr. Ayers stated there is no reduction in service projected for transit.

In response to Alex Aliferis, Mayor Johnson and Mr. Ayers stated information regarding employee salaries can be found on line on the City's website as well as the State Controller's website.

Mayor Pro Tempore Mounce made a motion, second by Mayor Johnson, to adopt Resolution No. 2011-88 approving the City of Lodi Financial Plan and Budget for the fiscal year beginning July 1, 2011 and ending June 30, 2012, and approving fiscal year 2011/12 Appropriation Spending Limit.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J. Ordinances

J-1 Adopt Ordinance No. 1845 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20, 'Electrical Service,' by Repealing and Re-Enacting Section 13.20.315, 'Schedule EDR-Economic Development Rates,' in Its Entirety" (CLK)

Mayor Johnson 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. 1845 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20, 'Electrical Service,' by Repealing and Re-Enacting Section 13.20.315, 'Schedule EDR-Economic Development Rates,' in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held May 18, 2011.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J-2 Adopt Ordinance No. 1846 Entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning the Parcel Located at 13333 North West Lane (APN 058-100-03) from AG-40 (County) to Planned Development 43 (PD-43)" (CLK)

Mayor Johnson 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. 1846 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning the Parcel Located at 13333 North West Lane (APN 058-100-03) from AG-40 (County) to Planned Development 43 (PD-43)," which was introduced at a regular meeting of the Lodi City Council held May 18, 2011.

VOTE:

The above motion carried by the following vote:

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

Noes: None
Absent: None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:37 p.m.

ATTEST:

Randi Johl
City Clerk