

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JUNE 6, 2012**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of June 6, 2012, was called to order by Mayor Mounce at 6:05 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 Steve 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 Steve 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-3 Adjourn to Closed Session

At 6:05 p.m., Mayor Mounce 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 Mounce reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

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

A. Call to Order / Roll Call

The Regular City Council meeting of June 6, 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 United States Army Week Proclamation

Mayor Mounce presented a proclamation to Lodi Station Commander Staff Sgt. Amit Singh and Staff Sgt. Kenneth Rolle proclaiming the week of June 11 - 16, 2012, as "United States Army Week" in the City of Lodi.

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

Council Member Johnson made a motion, second by Council Member Hansen, 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 \$6,835,643.95 (FIN)

Claims were approved in the amount of \$6,835,643.95.

C-2 Approve Minutes (CLK)

The minutes of May 15, 2012 (Shirtsleeve Session), May 16, 2012 (Regular Meeting), May 22, 2012 (Shirtsleeve Session), May 22, 2012 (Special Joint Meeting w/Lodi Arts Commission), and May 29, 2012 (Shirtsleeve Session) were approved as written.

C-3 Adopt Resolution Rejecting Non-Responsive Bids and Authorizing the City Manager to Execute Contract for Well 6R Granular Activated Carbon Treatment System with Conco West, Inc., of Manteca (\$667,500) (PW)

This item was pulled by staff for consideration at a future City Council meeting.

C-4 Adopt Resolution Authorizing the City Manager to Execute Contract for Grape Bowl Scoreboard Improvements with Gary's Signs, of Lodi (\$45,515), and Appropriating Funds (\$55,000) (PW)

Adopted Resolution No. 2012-71 authorizing the City Manager to execute contract for Grape Bowl Scoreboard Improvements with Gary's Signs, of Lodi, in the amount of \$45,515, and appropriating funds in the amount of \$55,000.

C-5 Adopt Resolution Authorizing the City Manager to Execute Amendment No. 2 to Professional Services Agreement with R.F. MacDonald Company, of Modesto, for Boiler Cleaning and Inspection at White Slough Water Pollution Control Facility (\$11,050) (PW)

Adopted Resolution No. 2012-72 authorizing the City Manager to execute Amendment No. 2 to Professional Services Agreement with R.F. MacDonald Company, of Modesto, for boiler cleaning and inspection at White Slough Water Pollution Control Facility in the amount of \$11,050.

C-6 Adopt Resolution Authorizing the City Manager to Execute Lease Agreement with MetroPCS California for 114 North Main Street (PW)

Adopted Resolution No. 2012-73 authorizing the City Manager to execute lease agreement with MetroPCS California for 114 North Main Street.

- C-7 Adopt Resolution Approving the Memorandum of Understanding Between the City of Lodi and the Boosters of Boys and Girls Sports (PRCS)

Adopted Resolution No. 2012-74 approving the Memorandum of Understanding between the City of Lodi and the Boosters of Boys and Girls Sports.

- C-8 Adopt Resolution Authorizing the City Manager to Execute Agreement with California Emergency Management Agency Accepting the California Gang Reduction, Intervention, and Prevention Program Grant (\$250,000) Awarded to the City of Lodi Beginning January 1, 2012 and Ending December 31, 2013, and Appropriating \$10,000 (PD)

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

In response to Council Member Hansen, Police Chief Mark Helms provided an overview of the process associated with receiving the grant and how the grant funds will be used including the specifics associated with the Peacekeepers Program.

In response to Mayor Pro Tempore Nakanishi, Chief Helms stated he does anticipate applying for the grant again if the City is able to meet the criteria in future years.

Mayor Mounce made a motion, second by Council Member Hansen, to adopt Resolution No. 2012-75 authorizing the City Manager to execute agreement with California Emergency Management Agency accepting the California Gang Reduction, Intervention, and Prevention Program Grant in the amount of \$250,000 awarded to the City of Lodi beginning January 1, 2012 and ending December 31, 2013, and appropriating \$10,000.

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-9 Adopt Resolution Authorizing the City Manager to Execute Agreement with County of San Joaquin for Automated Message Switching System and Criminal Justice Information System Access (\$21,420) (PD)

Adopted Resolution No. 2012-76 authorizing the City Manager to execute agreement with County of San Joaquin for Automated Message Switching System and Criminal Justice Information System Access in the amount of \$21,420.

- C-10 Adopt Resolution Authorizing the City Manager to Engage the Professional Services of Lamont Financial Services, Jones-Hall, Stone and Youngberg, LLC, and JP Morgan Related to Refinancing the 2002 General Fund Certificates of Participation (COPS), the 2003B CSCDA Wastewater COPS, and the 2004 Wastewater COPS (CM)

Adopted Resolution No. 2012-77 authorizing the City Manager to engage the professional services of Lamont Financial Services, Jones-Hall, Stone and Youngberg, LLC, and JP Morgan related to refinancing the 2002 General Fund Certificates of Participation (COPS), the 2003B CSCDA Wastewater COPS, and the 2004 Wastewater COPS.

- C-11 Adopt Resolution Approving the Single Member Services Agreement By and Between the City of Lodi and the Northern California Power Agency and Authorizing the City Manager

to Execute Said Agreement (\$30,400) (EUD)

Adopted Resolution No. 2012-78 approving the Single Member Services Agreement by and between the City of Lodi and the Northern California Power Agency and authorizing the City Manager to execute said agreement in the amount of \$30,400.

C-12 Adopt Resolution Authorizing the City Manager to Terminate the Professional Services Agreement with ZGlobal Engineering and Energy Solutions and Execute Professional Services Agreement with GP Strategies, of Amherst, New York, for Compliance Services (\$60,000) (EUD)

This item was pulled for further discussion by Mayor Pro Tempore Nakanishi.

In response to Mayor Pro Tempore Nakanishi, Electric Utility Director Elizabeth Kirkley provided an overview of the experience and qualifications of Mary Jo Cooper, whom the City was working with at ZGlobal Engineering and Energy Solutions and is now proposing to work with at GP Strategies.

Mayor Pro Tempore Nakanishi made a motion, second by Council Member Katzakian, to adopt Resolution No. 2012-79 authorizing the City Manager to terminate the Professional Services Agreement with ZGlobal Engineering and Energy Solutions and execute Professional Services Agreement with GP Strategies, of Amherst, New York, for compliance services in the amount of \$60,000.

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 Authorizing the City Manager to Execute an Agreement for Consulting Services with Matt Foskett Consulting, LLC for Electric Utility Rates and Resources Services (\$120,000) (EUD)

Adopted Resolution No. 2012-80 authorizing the City Manager to execute an agreement for consulting services with Matt Foskett Consulting, LLC for Electric Utility rates and resources services in the amount of \$120,000.

C-14 Adopt Resolution Approving the First Amendment to the Lodi Energy Center Project Management and Operations Agreement and Authorizing Execution by the City Manager (EUD)

Adopted Resolution No. 2012-81 approving the First Amendment to the Lodi Energy Center Project Management and Operations Agreement and authorizing execution by the City Manager.

C-15 Adopt Resolution Rescinding Resolution No. 2012-51 Authorizing the City Manager to Terminate the Existing Letter of Agreement with Holz Rubber Company and Execute a Revised Letter of Agreement (\$58,000) (EUD)

Adopted Resolution No. 2012-82 rescinding Resolution No. 2012-51 authorizing the City Manager to terminate the existing Letter of Agreement with Holz Rubber Company and execute a revised Letter of Agreement in the amount of \$58,000.

C-16 Adopt Resolution Ratifying the San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2012/13 (PW)

Adopted Resolution No. 2012-83 ratifying the San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2012/13.

C-17 Adopt Resolution Approving the Appropriation of Funds for Oversight Costs Related to PCE/TCE Busy Bee Plume (\$30,000) (PW)

This item was pulled for further discussion by Mayor Pro Tempore Nakanishi.

In response to Mayor Pro Tempore Nakanishi, Deputy City Manager Jordan Ayers and City Attorney Schwabauer confirmed that the requested action appropriates funds to pay a recent invoice that was received from the Regional Board.

Mayor Pro Tempore Nakanishi made a motion, second by Council Member Katzakian, to adopt Resolution No. 2012-84 approving the appropriation of funds for oversight costs related to PCE/TCE Busy Bee Plume in the amount of \$30,000.

**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-18 Receive Report Regarding League of California Cities Communications Pertaining to Assembly Bill 2312 (CLK)

Received report regarding League of California Cities communications pertaining to Assembly Bill 2312.

C-19 Adopt the Following Resolutions Pertaining to the November 6, 2012, General Municipal Election: a) Resolution Calling and Giving Notice of the General Municipal Election to Be Held on Tuesday, November 6, 2012, for the Election of Certain Officers of the City; b) Resolution Requesting the San Joaquin County Board of Supervisors to Render Specified Services for the Conduct of a General Municipal Election to Be Held on Tuesday, November 6, 2012; c) Resolution Setting Forth the Council's Policy Regarding Impartial Analyses, Arguments, and Rebuttal Arguments for Any Measure(s) that May Qualify to Be Placed on the Ballot for the November 6, 2012, General Municipal Election; and d) Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidates' Statements Submitted to the Voters at the General Municipal Election to Be Held on Tuesday, November 6, 2012 (CLK)

Adopted the following resolutions pertaining to the November 6, 2012, General Municipal Election: a) Resolution No. 2012-85 calling and giving notice of the General Municipal Election to be held on Tuesday, November 6, 2012, for the election of certain officers of the City; b) Resolution No. 2012-86 requesting the San Joaquin County Board of Supervisors to render specified services for the conduct of a General Municipal Election to be held on Tuesday, November 6, 2012; c) Resolution No. 2012-87 setting forth the Council's policy regarding impartial analyses, arguments, and rebuttal arguments for any measure(s) that may qualify to be placed on the ballot for the November 6, 2012, General Municipal Election; and d) Resolution No. 2012-88 adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at the General Municipal Election to be held on Tuesday,

November 6, 2012.

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.

Douglas Pfaff spoke in regard to his idea regarding establishing a "Waist Management" program whereby citizens can walk for health purposes and simultaneously pick-up litter for City beautification purposes.

Clifford Weaver spoke in regard to his concerns about how he was treated by the Police Department during an incident involving a neighborly dispute. Chief Helms stated he will follow-up on the matter with Mr. Weaver.

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

Council Member Johnson stated he would like the meeting adjourned in memory of Joe Crane and suggested a future Shirtsleeve Session on the topic of vehicle replacement and maintenance.

Mayor Mounce encouraged the public to visit the "Lisa Project" display at Lodi Baptist Church as it addresses the important issue of child abuse.

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

None.

G. Public Hearings - None

H. Communications

H-1 Re-post for Vacancies on the Greater Lodi Area Youth Commission (CLK)

Mayor Mounce made a motion, second by Council Member Katzakian, to direct the City Clerk to re-post for the following vacancies:

Greater Lodi Area Youth Commission

*Adult Advisors:*

Elizabeth Mazzeo, term to expire May 31, 2012

Jeffrey Palmquist, term to expire May 31, 2012

Summer Pennino, term to expire May 31, 2012

*Student Members:*

Tyler Bartlam, term to expire May 31, 2012

Carson Kautz, term to expire May 31, 2012

Alex Maldonado, term to expire May 31, 2012

Kelley McConahey, term to expire May 31, 2012

Allison Schatz, term to expire May 31, 2012

Dipa Patel, term to expire May 31, 2013

Kinsey Green, term to expire May 31, 2013

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 Resolution Approving the City of Lodi Financial Plan and Budget for the Fiscal Year Beginning July 1, 2012 and Ending June 30, 2013, and Approving the Fiscal Year 2012/13 Appropriation Spending Limit (CM)

City Manager Bartlam and Deputy City Manager Jordan Ayers provided a PowerPoint presentation regarding the fiscal year 2012/13 budget. Specific topics of discussion included an overview of the proposed budget, total appropriation and revenue, reserve increase amounts, General Fund overview, labor negotiations, major capital projects, and requested action on the budget approval process.

In response to Council Member Hansen, Mr. Ayers confirmed that six positions are not proposed to be funded in the Police Department, currently those positions are vacant, and based on labor agreements that are reached in the near future the savings could be used for refunding those positions.

Mayor Mounce suggested future savings be used to evaluate staffing for Code Enforcement and Animal Shelter purposes.

In response to Council Member Hansen, Mr. Ayers confirmed that the City of Lodi is not in danger of bankruptcy.

In response to Mayor Mounce, Mr. Bartlam stated the wild cards affecting the budget continue to be pension obligations and costs, rising medical costs, and workers compensation exposure.

Council Member Johnson stated he will not be able to support the recommended action because he still believes that the City should be addressing the pension issue in a more aggressive manner.

In response to Mayor Mounce, Mr. Ayers confirmed that within a year and a half all employees will be paying the full share of the employees' portion of CalPers contributions.

Mayor Mounce asked the City Manager to review options associated with filling a part-time economic development director position to promote economic opportunities in the City and market City-owned properties.

Council Member Hansen made a motion, second by Council Member Katzakian, to adopt Resolution No. 2012-89 approving the City of Lodi Financial Plan and Budget for the Fiscal Year beginning July 1, 2012 and ending June 30, 2013, and approving the Fiscal Year 2012/13 Appropriation Spending Limit.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Katzakian, Mayor Pro Tempore Nakanishi,

and Mayor Mounce

Noes: Council Member Johnson

Absent: None

I-2 Authorize Request for Use of City Letterhead Pursuant to City Council Protocol Manual Section 7.4 and Government Code Section 82015 (CLK)

City Clerk Randi Johl provided a brief presentation regarding the proposed request for letterhead usage as outlined in the Council Communication. Council Member Johnson provided a brief overview of the purpose of the letter for a marketing portfolio to generate donations for the Grape Bowl.

In response to Mayor Mounce, Council Member Johnson stated his recommendation would be to sign the letter himself along with the Mayor. Mayor Mounce expressed concern regarding the reporting that is required for behested payments and the notification process that would need to be in place to ensure the reporting is completed properly.

In response to Mayor Pro Tempore Nakanishi, City Attorney Schwabauer stated that the Fair Political Practices Commission permits behested payments and they are not illegal, although certain payments have a reporting requirement associated with them.

Council Member Hansen made a motion, second by Mayor Mounce, to authorize request for use of City letterhead pursuant to City Council Protocol Manual Section 7.4 and Government Code Section 82015 with signature by Council Member Johnson.

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

J. Ordinances

J-1 Adopt Ordinance No. 1859 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 10.12 - Enforcement and Obedience to Traffic Regulations - by Repealing and Re-Enacting Section 10.12.020, 'Required Obedience to Traffic Regulations,' in its Entirety" (CLK)

Council Member Hansen made a motion, second by Council Member Katzakian, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1859 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 10.12 - Enforcement and Obedience to Traffic Regulations - by Repealing and Re-Enacting Section 10.12.020, 'Required Obedience to Traffic Regulations,' in its Entirety," which was introduced at a regular meeting of the Lodi City Council held May 16, 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 8:25 p.m. in memory of Joe Crane.

ATTEST:

Randi Johl  
City Clerk