

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 15, 2011**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of June 15, 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 Lodi Police Officers Association and Lodi Police Dispatchers Association 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-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 6:30 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) and C-2 (b) were discussion only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of June 15, 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 Recreation and Parks Month Proclamation (PRCS)

Mayor Johnson presented a proclamation to Jim Rodems, Parks, Recreation, and Cultural

Services Director, proclaiming the month of July 2011 as "Recreation and Parks Month" in the City of Lodi.

B-2 2011 National Dump the Pump Day Proclamation (PW)

Mayor Johnson presented a proclamation to Paula Fernandez, Transportation & Sr. Traffic Manager, and Brenda Kuykendall, General Manager with MV Transportation, proclaiming June 16, 2011, as "2011 National Dump the Pump Day" in the City of Lodi.

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, **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 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 \$2,317,350.25 (FIN)

Claims were approved in the amount of \$2,317,350.25.

C-2 Approve Minutes (CLK)

The minutes of May 31, 2011 (Shirtsleeve Session), June 1, 2011 (Regular Meeting), and June 7, 2011 (Shirtsleeve Session) were approved as written.

C-3 Approve Specifications and Authorize Advertisement for Bids for Elevator Services for City of Lodi Facilities (PW)

Approved the specifications and authorized advertisement for bids for elevator services for City of Lodi facilities.

C-4 Approve Specifications and Authorize Advertisement for Bids for 500 Tons of Asphalt Materials for Fiscal Year 2011/12 (PW)

Approved the specifications and authorized advertisement for bids for 500 tons of asphalt materials for fiscal year 2011/12.

C-5 Adopt Resolution Approving Purchase of Transit Fare Collection Equipment from GFI GenFare, of Elk Grove Village, IL (\$81,264), and Appropriating Funds (\$4,800) (PW)

This item was pulled from the agenda in its entirety for consideration at a future City Council meeting.

C-6 Adopt Resolution Authorizing the City Manager to Execute Contract and to Negotiate and Execute Contract Extensions for Tree Trimming for Fiscal Year 2011/12 with West Coast Arborists, Inc., of Anaheim (\$27,525) (PW)

Adopted Resolution No. 2011-89 authorizing the City Manager to execute contract and to

negotiate and execute contract extensions for tree trimming for fiscal year 2011/12 with West Coast Arborists, Inc., of Anaheim, in the amount of \$27,525.

C-7 Adopt Resolution Authorizing the City Manager to Execute Contract for Curb, Gutter, and Sidewalk Replacement for Fiscal Year 2011/12 with Jeff Case Construction Company, of Galt (\$86,675) (PW)

Adopted Resolution No. 2011-90 authorizing the City Manager to execute contract for curb, gutter, and sidewalk replacement for fiscal year 2011/12 with Jeff Case Construction Company, of Galt, in the amount of \$86,675.

C-8 Adopt Resolution Authorizing the City Manager to Execute Task Order No. 3 with RMC Water and Environment, of Walnut Creek, for Water Meter Planning, Design, and Program Management for Nonresidential and Multi-Family Parcels (\$596,936) and Appropriating Funds (\$650,000) (PW)

City Manager Bartlam briefly introduced the subject matter of Task Order No. 3 with RMC related to water meter installations.

Public Works Director Wally Sandelin provided a brief PowerPoint presentation regarding Task Order No. 3 with RMC for water meter planning, design, and program management. Specific topics of discussion included background with Assembly Bill 2572, contract history, scope of services, justification, and installation program.

In response to Council Member Hansen, Mr. Sandelin stated currently 30% to 40% of the commercial and industrial businesses are already metered but they may not be reading accurately and a more thorough discovery review will need to be completed to ensure correct billing.

In response to Mayor Johnson, Mr. Sandelin stated the discovery stage and data review should be completed before the end of the calendar year.

In response to Mayor Johnson, Mr. Sandelin stated there are five mobile home parks in the City.

In response to Council Member Hansen, Mr. Sandelin stated that, because the City of Lodi is the last city in the County to install water meters, staff has researched what neighboring communities have done and what their experience has been with water meter installations.

In response to Council Member Hansen, Mr. Sandelin stated mobile home parks are currently on a single meter, in other cities a master meter is set up and the property owner bills the tenants accordingly, and other communities have addressed mobile homes in a similar manner.

Mayor Pro Tempore Mounce requested comparisons from other cities as to how they have handled metering for mobile homes and apartments.

In response to Mayor Johnson, Mr. Sandelin stated public outreach efforts include a regular speakers program for service clubs, realtor groups, and separate meetings for each of the four groups listed in the presentation.

In response to Mayor Johnson, Mr. Sandelin stated he will notify the City Council when the stakeholder meetings are held.

Council Member Hansen made a motion, second by Mayor Pro Tempore Mounce, to adopt Resolution No. 2011-91 authorizing the City Manager to execute Task Order No. 3 with RMC

Water and Environment, of Walnut Creek, for water meter planning, design, and program management for nonresidential and multi-family parcels in the amount of \$596,936 and appropriating funds in the amount of \$650,000.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Nakanishi

Absent: None

C-9 Adopt Resolution Authorizing the City Manager to Execute Contract Change Order with Knife River Construction, Inc., of Stockton, for Additional Work Related to the Water Meter Program Phase 1 Project (\$226,885) and Appropriating Funds (\$230,000) (PW)

Adopted Resolution No. 2011-92 authorizing the City Manager to execute contract change order with Knife River Construction, Inc., of Stockton, for additional work related to the Water Meter Program Phase 1 Project in the amount of \$226,885 and appropriating funds in the amount of \$230,000.

C-10 Accept Improvements Under Contract for Municipal Service Center Compressed Natural Gas Upgrade of Compressor No. 1 Control Panel (PW)

Accepted improvements under contract for Municipal Service Center Compressed Natural Gas Upgrade of Compressor No. 1 Control Panel.

C-11 Adopt Resolution Authorizing the City Manager to Execute Federal Safe Routes to School Grant Application (PW)

Adopted Resolution No. 2011-93 authorizing the City Manager to execute Federal Safe Routes to School Grant Application.

C-12 Adopt Resolution Authorizing the Expenditure of Art in Public Places (AiPP) Funds for the Design and Printing of an AiPP Brochure and Appropriating Funds (\$793.78) (PRCS)

Adopted Resolution No. 2011-94 authorizing the expenditure of Art in Public Places (AiPP) funds for the design and printing of an AiPP brochure and appropriating funds in the amount of \$793.78.

C-13 Approve Budget Year 2011/12 Concession Agreement with Lodi Police Dispatchers Association (CA)

Adopted Resolution No. 2011-95 approving budget year 2011/12 concession agreement with Lodi Police Dispatchers Association.

C-14 Approve Addendum to Lodi Police Mid-Management Organization's Memorandum of Understanding, Extending the Term Three Months from October 2011 to December 31, 2011 (CA)

Approved addendum to Lodi Police Mid-Management Organization's Memorandum of Understanding, extending the term three months from October 2011 to December 31, 2011.

C-15 Receive Report Regarding League of California Cities Communications Pertaining to Assembly Bills 455 (Campos) and 1087 (Brownley) (CLK)

Received report regarding League of California Cities communications pertaining to Assembly Bills 455 (Campos) and 1087 (Brownley).

C-16 Set Public Hearing for July 20, 2011, to Consider Resolution Approving Harney Lane Specific Plan Report and Certifying Harney Lane Specific Plan Negative Declaration as Adequate Environmental Documentation for Harney Lane Specific Plan (PW)

Set public hearing for July 20, 2011, to consider resolution approving Harney Lane Specific Plan Report and certifying Harney Lane Specific Plan Negative Declaration as adequate environmental documentation for Harney Lane Specific Plan.

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.

None.

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

Council Member Nakanishi spoke in regard to the City's anti-gang efforts including prevention and enforcement.

Mayor Pro Tempore Mounce provided a status report regarding the passage of redevelopment related bills by the Legislature and the likelihood of a lawsuit by the League of California Cities.

Council Member Hansen commended those involved with the success of the Flag Day Celebration and encouraged all citizens to enjoy the Lodi Community Band at upcoming events.

Mayor Johnson commended the anonymous donor who contributed \$40,000 to the Lodi Boys and Girls Club, spoke in regard to the upcoming Taco Truck Cook-Off event, and provided a status report regarding the draft maps drawn by the California Redistricting Commission.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Resolution Adopting Final Engineer's Annual Levy Report for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2011/12, and Ordering the Levy and Collection of Assessments (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 resolution adopting Final Engineer's Annual Levy Report for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2011/12, and ordering the levy and collection of assessments.

City Manager Bartlam provided a brief introduction into the subject matter of the proposed public hearing regarding the Landscape and Maintenance Assessment District No. 2003-1.

Junior Engineer Chris Boyer provided a brief presentation regarding the proposed adoption of the report and levy and collection of assessments as set forth in the staff report.

In response to Council Member Nakanishi, Mr. Bartlam stated there are no maintenance districts near Turner Road and Ham Lane as they are primarily concentrated in newer developments.

Mayor Pro Tempore Mounce made a motion, second by Council Member Hansen, to adopt Resolution No. 2011-96 adopting the Final Engineer's Annual Levy Report for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2011/12, and ordering the levy and collection of assessments.

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

H. Communications

H-1 Appointments to the Greater Lodi Area Youth Commission ~ Student Appointees and Lodi Arts Commission and Re-Post for Remaining Vacancies on Both Commissions (CLK)

Mayor Pro Tempore Mounce made a motion, second by Mayor Johnson, to make the following appointments and direct the City Clerk to re-post for remaining vacancies on both commissions:

APPOINTMENTS:

Greater Lodi Area Youth Commission

Student Appointees:

Tyler Bartlam, term to expire May 31, 2012

Dipa Patel, term to expire May 31, 2013

Kristen Schlader, term to expire May 31, 2013

Lodi Arts Commission

Lina Preszler, term to expire July 1, 2014

POSTING:

Greater Lodi Area Youth Commission

Student Appointees:

Vacancy Term to expire May 31, 2013

Vacancy Term to expire May 31, 2013

Lodi Arts Commission

Vacancy Term to expire July 1, 2012

Vacancy Term to expire July 1, 2013

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

H-2 Monthly Protocol Account Report (CLK)

Mayor Pro Tempore Mounce made a motion, second by Mayor Johnson, to accept the cumulative Monthly Protocol Account Report through May 31, 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

I. Regular Calendar

I-1 Adopt Resolution Approving the Program Guidelines for the Revised First Time Home Buyer Program (CD)

City Manager Bartlam provided a brief introduction into the subject matter of the revised first time home buyer program.

Neighborhood Community Services Manager Joseph Wood provided a PowerPoint presentation regarding the revised first time home buyer program. Specific topics of discussion included an overview of the program since 2009, original program guidelines, difficult housing conditions, suggested revision by the State Department of Housing and Community Development, existing qualifying ratios, key elements of rehabilitation guidelines, and proposed adoption of revisions.

In response to Mayor Pro Tempore Mounce, Mr. Wood stated the inspection completed after the work is performed ensures that the funding was utilized for the appropriate repairs.

In response to Council Member Hansen, Mr. Wood stated the program is advertised through the local real estate community, lending agencies including banks and mortgage companies, the Farmer's Market, and newspapers.

In response to Council Member Hansen, Mr. Wood stated the clientele generally qualifies for a lower mortgage but many of the existing properties are short sales or foreclosures and banks are not moving quickly on those.

In response to Council Member Nakanishi, Mr. Wood stated program information is available on the website and the Community Development counter. Mr. Wood stated he is the primary contact and the final decision is made by the loan review panel. He stated the 2009 funds are good for a three-year period and must be at least 50% spent before the City can reapply.

A brief discussion ensued between Mayor Johnson and Mr. Wood regarding the timing associated with making the program work in light of the number of short sales and foreclosures on the market and the slow turn around by the lending agencies with the process.

Jeanette Goonen spoke in support of the program, stating it will help residents.

Mayor Pro Tempore Mounce made a motion, second by Council Member Katzakian, to adopt

Resolution No. 2011-97 approving the Program Guidelines for the Revised First Time Home Buyer Program.

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-2 Consider Budget Year 2011/12 Concession Proposal from Lodi Police Officers Association (CA)

City Attorney Schwabauer provided a brief presentation regarding the proposed concession proposals from the Lodi Police Officers Association as set forth in the Council Communication and blue sheets on the item. Mr. Schwabauer stated staff is recommending accepting the revised proposal as indicated, which also resolves the pending claim.

Council Member Hansen made a motion, second by Council Member Katzakian, to adopt Resolution No. 2011-98 approving the budget year 2011/12 concession proposal from the Lodi Police Officers Association, authorizing the City Manager to execute the settlement concession agreements, and authorizing staff to administratively revise the 2011/12 Financial Plan and Budget adopted June 1, 2011, to implement the concession agreement and adopted Resolution No. 2011-99 approving employer paid member contributions all as recommended in the blue sheets.

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 - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:20 p.m.

ATTEST:

Randi Johl
City Clerk