

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 17, 2011**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of August 17, 2011, was called to order by Mayor Johnson at 5:30 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, 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) Actual Litigation: Government Code §54956.9; One Application; Roger Butterfield v. City of Lodi; WCAB Case No.-Unassigned - 09/23/10

C-3 Adjourn to Closed Session

At 5:30 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:47 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.

In regard to Item C-2 (c), direction was given to provide the requisite notice to the General Services, Maintenance and Operators, and Mid-Managers bargaining groups to terminate their respective contracts effective December 31, 2011.

A. Call to Order / Roll Call

The Regular City Council meeting of August 17, 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 Presentation of Firefighter of the Year 2010 Plaque to Fire Captain Brad Doell (FD)

Interim Fire Chief Dan Haverty and Mayor Johnson presented the Firefighter of the Year 2010 plaque to Fire Captain Brad Doell.

B-2 Quarterly Update by the Greater Lodi Area Youth Commission (PRCS)

Kelley McConahey and Alex Maldonado, members of the Greater Lodi Area Youth Commission, gave an update on the activities and accomplishments of the Commission.

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 \$9,134,088.75 (FIN)

Claims were approved in the amount of \$9,134,088.75.

C-2 Approve Minutes (CLK)

The minutes of August 2, 2011 (Shirtsleeve Session), August 3, 2011 (Regular Meeting), and August 9, 2011 (Shirtsleeve Session) were approved as written.

C-3 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-4 Approve Specifications and Authorize Advertisement for Bids for 6,000 Feet of Underground Cable (EUD)

Approved the specifications and authorized advertisement for bids for 6,000 feet of underground cable.

C-5 Adopt Resolution Authorizing the City Manager to Execute Contract Change Order No. 1 with A. M. Stephens Construction Company, Inc., for 2011 Disabled Access Improvements Project (\$64,278) (PW)

Adopted Resolution No. 2011-129 authorizing the City Manager to execute Contract Change

Order No. 1 with A. M. Stephens Construction Company, Inc., for 2011 Disabled Access Improvements Project in the amount of \$64,278.

C-6 Adopt Resolution Authorizing the City Manager to Enter into Fourth Amendment to World of Wonders Science Museum Lease (PW)

Adopted Resolution No. 2011-130 authorizing the City Manager to enter into Fourth Amendment to World of Wonders Science Museum Lease.

C-7 Authorize City Manager to Execute Agreement with Quality Sound, of Stockton, for Installation of Audio/Video Equipment at Carnegie Forum (\$51,335) (CM)

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

In response to Council Member Nakanishi, Mr. Bartlam stated the proposed expenditure cannot be spent in any other fashion except cable and related public access.

Mayor Johnson made a motion, second by Council Member Katzakian, to authorize the City Manager to execute an agreement with Quality Sound, of Stockton, for the installation of audio/video equipment at Carnegie Forum in the amount of \$51,335.

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-8 Adopt Resolution Amending the Low-Income Residential Energy Efficient Refrigerator Replacement Program, Appropriating \$15,600 in American Recovery and Reinvestment Act Funds, and Authorizing the City Manager to Execute Contracts for Program Administration in an Amount Not to Exceed \$85,600 (EUD)

Adopted Resolution No. 2011-131 amending the Low-Income Residential Energy Efficient Refrigerator Replacement Program, appropriating \$15,600 in American Recovery and Reinvestment Act funds, and authorizing the City Manager to execute contracts for program administration in an amount not to exceed \$85,600.

C-9 Adopt Resolution in Support of the San Joaquin Valley Regional Plug-In Electric Vehicle Coordinating Council Project (EUD)

Adopted Resolution No. 2011-132 in support of the San Joaquin Valley Regional Plug-In Electric Vehicle Coordinating Council Project.

C-10 Adopt Resolution in Support of the Property Assessed Clean Energy Protection Act of 2011 (CD)

Adopted Resolution No. 2011-133 in support of the Property Assessed Clean Energy Protection Act of 2011.

C-11 Rescind Resolutions 90-03 and 91-132 and Adopt Resolution Authorizing Specified Positions Monetary Settlement Authority Relating to General Liability Claims (CM)

Rescinded Resolutions 90-03 and 91-132 and adopted Resolution No. 2011-134 authorizing

specified positions monetary settlement authority relating to general liability claims.

C-12 Approve Response to 2010/11 San Joaquin County Grand Jury Report Regarding City Government Websites (CM)

Approved response to 2010/11 San Joaquin County Grand Jury report regarding city government websites.

C-13 Set Public Hearing for September 7, 2011, to Consider and Approve the 2010/11 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report; a Separation Agreement with San Joaquin County; and an Amendment of the 2011/12 Action Plan to Accommodate the Reallocation of Unused CDBG Funds from the 2010/11 Program Year and Transferred CDBG Funds from San Joaquin County Through the Separation Agreement (CD)

Set public hearing for September 7, 2011, to consider and approve the 2010/11 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report; a separation agreement with San Joaquin County; and an amendment of the 2011/12 Action Plan to accommodate the reallocation of unused CDBG funds from the 2010/11 program year and transferred CDBG funds from San Joaquin County through the separation agreement.

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 provided a status report regarding the State budget, economy, and home sales.

Mayor Pro Tempore Mounce stated she received some inquiries regarding electric utility billing and suggested information be provided to the citizens through the newsletter regarding meter changes and energy cost adjustments. She also suggested looking into a peace keeper program to address increased gang activity on the east side of town.

Mayor Johnson commended all those associated with the successful visit from the Kofu, Japan Sister City guests.

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

City Manager Bartlam commented on his recent meeting with Robin Rushing, wished Mayor Johnson a belated Happy Birthday, and congratulated Mayor Pro Tempore Mounce on her successful battle against cancer.

G. Public Hearings

G-1 Public Hearing to Consider Introduction of Ordinance Amending Chapter 13.20 - Electrical Service - Section 175 Titled, "Schedule ECA - Energy Cost Adjustment" (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 ordinance amending Chapter 13.20 - Electrical Service - Section 175 Titled, "Schedule ECA - Energy Cost Adjustment."

Electric Utility Director Elizabeth Kirkley provided a brief overview of the proposed ordinance change in light of the disbandment of the former Lodi Budget/Finance Committee.

No public comments were received on this item.

Mayor Pro Tempore Mounce made a motion, second by Council Member Katzakian, to introduce Ordinance No. 1847 amending Chapter 13.20 - Electrical Service - Section 175 Titled, "Schedule ECA - Energy Cost Adjustment."

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

G-2 Public Hearing to Consider Introduction of Ordinance Amending Chapter 13.20 - Electrical Service - Section 200 Titled, "Schedule ED - Residential SHARE Program Service" (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 ordinance amending Chapter 13.20 - Electrical Service - Section 200 Titled, "Schedule ED - Residential SHARE Program Service."

Electric Utility Director Elizabeth Kirkley provided a brief overview of the proposed ordinance change to provide consistency with State and federal guidelines.

In response to Mayor Pro Tempore Mounce, Ms. Kirkley stated the proposed thresholds vary slightly based on income levels but are consistent with the State numbers. Ms. Kirkley and Manager of Customer Services and Programs Rob Lechner confirmed the threshold amount of \$47,000, which will affect approximately 3,000 families.

In response to Mayor Johnson, Mr. Lechner confirmed income levels vary based on geographic and demographic numbers in various counties.

In response to Mayor Pro Tempore Mounce, Mr. Lechner stated the program specifics will be communicated to the public through the newspaper, utility billings, press releases, and community groups. He stated some public benefit funds will be used to offset the costs of the program.

No public comments were received on this item.

Mayor Pro Tempore Mounce made a motion, second by Mayor Johnson, to introduce Ordinance No. 1848 amending Chapter 13.20 - Electrical Service - Section 200 Titled, "Schedule ED - Residential SHARE Program Service."

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 - None

I. Regular Calendar

I-1 Introduce Ordinance Amending Lodi Municipal Code Title 2 - Administration and Personnel - Chapter 2.12, "City Manager," by Repealing and Reenacting Section 2.12.060(T) Relating to Contract Authority of the City Manager and Further Amending Lodi Municipal Code Title 3 - Revenue and Finance - by Repealing and Reenacting Chapter 3.20 in Its Entirety Relating to the Purchasing System (CM)

Deputy City Manager Jordan Ayers provided a brief PowerPoint presentation regarding the proposed ordinance relating to the purchasing system. Specific topics of discussion included prior consideration at a Shirtsleeve Session, centralized versus decentralized purchasing, staff efficiencies, updated limits, and procurement card usage.

Council Members provided general comments in support of the proposed ordinance related to staff efficiencies and safe guards in the process.

Ed Miller spoke in regard to his concerns regarding the efficiency of the process.

John Slaughterback spoke in regard to his concerns regarding the need for good oversight.

Mayor Johnson made a motion, second by Council Member Katzakian, to introduce Ordinance No. 1849 amending Lodi Municipal Code Title 2 - Administration and Personnel - Chapter 2.12, "City Manager," by repealing and reenacting Section 2.12.060(T) relating to contract authority of the City Manager and further amending Lodi Municipal Code Title 3 - Revenue and Finance - by repealing and reenacting Chapter 3.20 in its entirety relating to the purchasing system.

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 Introduce Ordinance Amending Lodi Municipal Code Title 13 - Public Services - by Repealing and Reenacting Section 13.12.460(L) and Further Repealing and Reenacting Section 13.12.565 Relating to Sewer Service (CA)

City Attorney Schwabauer provided a brief overview of the proposed ordinance based on typographical changes needed by the State.

Mayor Johnson made a motion, second by Council Member Nakanishi, to introduce Ordinance No. 1850 amending Lodi Municipal Code Title 13 - Public Services - by repealing and reenacting Section 13.12.460(L) and further repealing and reenacting Section 13.12.565 relating to sewer service.

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-3 Introduce Ordinance Amending Lodi Municipal Code Chapter 2.44 - Personnel System - by Repealing and Reenacting Section 2.44.090, "Qualification of Members" (CA)

City Attorney Schwabauer provided a brief overview of the proposed ordinance change as it relates to voter registration within the County for the Personnel Board of Review.

In response to Council Member Nakanishi, Mr. Schwabauer stated that, while the Personnel Board of Review has not been active recently, it is an important board that will likely be called to service in the near future.

Mayor Pro Tempore Mounce made a motion, second by Council Member Katzakian, to introduce Ordinance No. 1851 amending Lodi Municipal Code Chapter 2.44 - Personnel System - by repealing and reenacting Section 2.44.090, "Qualification of Members."

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-4 Approve Downtown Lodi Business Partnership 2011 Annual Report, Adopt Resolution of Intention to Levy Annual Assessment, and Set Public Hearing for September 7, 2011, to Consider the Proposed Assessment (CM)

Jaime Watts, Executive Director of the Downtown Lodi Business Partnership (DLBP), provided an overview of the annual DLBP report as set forth in the staff report.

In response to Council Member Nakanishi, Ms. Watts stated she will provide the numbers associated with the amount of assistance the DLBP has received from the City for the last few years.

In response to Mayor Pro Tempore Mounce, Ms. Watts stated she will try to speak with the post office located in downtown regarding beautification of their grounds.

In response to Council Member Hansen, Ms. Watts stated DLBP will not make any money off the carriage rides, while there is more to be done DLBP is doing as much as it can with the limited funding it has available, a full eight member board is currently in place, and while there has been some turnover on the board it is now stabilizing.

Mayor Pro Tempore Mounce made a motion, second by Mayor Johnson, to approve Downtown Lodi Business Partnership 2011 Annual Report, adopt Resolution No. 2011-135 of Intention to levy annual assessment, and set public hearing for October 5, 2011, to consider the proposed assessment.

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 8:04 p.m.

ATTEST:

Randi Johl
City Clerk