

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JULY 6, 2011**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of July 6, 2011, was called to order by Mayor Johnson at 6:00 p.m.

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

Absent: Council Member Nakanishi

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 Dispatchers Association Pursuant to Government Code §54957.6
- b) Threatened Litigation: Government Code §54956.9(b); One Case: Potential Suit by Terry Martin Against the City of Lodi Based on Retirement Benefits - Conversion of Sick Leave
- c) Actual Litigation: Government Code §54956.9(a); One Case; Mary C. Kaehler v. City of Lodi et al., San Joaquin County Superior Court, Case No. 39-2011-00263683-CU-WM-STK

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 6:57 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 July 6, 2011, was called to order by Mayor Johnson at 7:00 p.m.

NOTE: Council Member Nakanishi was in attendance for a portion of the meeting.

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

Absent: Council Member Nakanishi

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

B. Presentations - None

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

Mayor Johnson made a motion, second by Mayor Pro Tempore Mounce, 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, Mayor Pro Tempore Mounce, and Mayor Johnson

Noes: None

Absent: Council Member Nakanishi

C-1 Receive Register of Claims in the Amount of \$7,020,616.99 (FIN)

Claims were approved in the amount of \$7,020,616.99.

C-2 Approve Minutes (CLK)

The minutes of June 14, 2011 (Shirtsleeve Session), June 14, 2011 (Special Meeting), June 15, 2011 (Regular Meeting), June 21, 2011 (Shirtsleeve Session), and June 28, 2011 (Shirtsleeve Session) were approved as written.

C-3 Approve Request for Proposals and Authorize Advertisement for Facility Improvements at the Lodi Transit Station (PW)

Approved the request for proposals and authorized advertisement for facility improvements at the Lodi Transit Station.

C-4 Adopt Resolution Awarding the Annual Purchase Order for Materials and Services Needed to Maintain the Trojan Ultra Violet Disinfection System at White Slough Water Pollution Control Facility to DC Frost Associates, Inc., of Walnut Creek, CA (\$263,740) (PW)

Adopted Resolution No. 2011-100 awarding the annual purchase order for materials and services needed to maintain the Trojan ultra violet disinfection system at White Slough Water Pollution Control Facility to DC Frost Associates, Inc., of Walnut Creek, CA, in the amount of \$263,740.

C-5 Adopt Resolution Authorizing the City Manager to Negotiate and Execute Purchase Order for Two 32 Foot Transit Vehicles from El Dorado Bus Sales, of Hayward, CA (\$940,500), and Appropriating Additional Funds (\$291,400) (PW)

This item was pulled for further discussion by Ed Miller, a member of the public.

In response to Ed Miller, Public Works Director Wally Sandelin stated the buses to be replaced are at the end of their useful life and are continuing to break down on a regular basis. Mr. Sandelin stated the new buses are more effective and efficient for operational purposes and the funds to be used are from a competitive grant from the San Joaquin Council of Governments.

In response to Council Member Hansen, Mr. Sandelin stated the long-term goal for transit is to downsize the fleet and run shorter buses.

In response to Council Member Katzakian, Mr. Sandelin stated the buses are purchased through the grant but are maintained through the City's funding.

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

Resolution No. 2011-108 authorizing the City Manager to negotiate and execute purchase order for two 32-foot transit vehicles from El Dorado Bus Sales, of Hayward, CA, in the amount of \$940,500, and appropriating additional funds in the amount of \$291,400.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Nakanishi

C-6 Adopt Resolution Approving the Purchase of Encoder Receiver Transmitter Equipped Itron Solid-State Meters from General Pacific, of Portland, OR (\$572,000) (EUD)

Adopted Resolution No. 2011-101 approving the purchase of encoder receiver transmitter equipped Itron solid-state meters from General Pacific, of Portland, OR, in the amount of \$572,000.

C-7 Adopt Resolution Approving the Northern California Power Agency Renewable Energy Certificates Transfer Agreement and Authorizing Execution by the City Manager with Administration by the Electric Utility Director (EUD)

Adopted Resolution No. 2011-102 approving the Northern California Power Agency Renewable Energy Certificates Transfer Agreement and authorizing execution by the City Manager with administration by the Electric Utility Director.

C-8 Adopt Resolution Awarding Design and Construction Contract for Municipal Service Center Transit Vehicle Maintenance Facility Solar Power Project to D.G. Granade, Inc., of Shingle Springs (\$435,456), and Authorizing the City Manager to Execute Change Orders within the Project Appropriation (PW)

Adopted Resolution No. 2011-103 awarding design and construction contract for Municipal Service Center Transit Vehicle Maintenance Facility Solar Power Project to D.G. Granade, Inc., of Shingle Springs, in the amount of \$435,456, and authorizing the City Manager to execute change orders within the project appropriation.

C-9 Adopt Resolution Authorizing the City Manager to Execute Contract for 2011 Asphalt Rubber Cape Seal Project with Intermountain Slurry Seal Inc., of Watsonville, CA (\$641,679) (PW)

Adopted Resolution No. 2011-104 authorizing the City Manager to execute contract for 2011 Asphalt Rubber Cape Seal Project with Intermountain Slurry Seal Inc., of Watsonville, CA, in the amount of \$641,679.

C-10 Adopt Resolution Authorizing the City Manager to Execute Contracts for Fiscal Year 2011/12 with United Cerebral Palsy of San Joaquin, Amador, and Calaveras Counties, of Stockton, for Downtown Cleaning (\$46,686), Transit Facility Cleaning (\$38,456), and Hutchins Street Square Landscape Maintenance (\$27,625) (PW)

This item was pulled for further discussion by Mayor Johnson.

Mayor Johnson stated he would like staff to take a look at utilizing the United Cerebral Palsy program in a broader manner across the City.

Mayor Johnson made a motion, second by Mayor Pro Tempore Mounce, to adopt Resolution No. 2011-109 authorizing the City Manager to execute contracts for fiscal year 2011/12 with United Cerebral Palsy of San Joaquin, Amador, and Calaveras Counties, of Stockton, for Downtown cleaning in the amount of \$46,686, transit facility cleaning in the amount of \$38,456, and Hutchins Street Square landscape maintenance in the amount of \$27,625.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Nakanishi

C-11 Adopt Resolution Authorizing the City Manager to Execute Contract for Replacement Standby Generators at Peterson Park and Northeast Lift Stations to Day's Generator Service, of Brentwood, CA, and Appropriating Funds (\$73,580) (PW)

Adopted Resolution No. 2011-105 authorizing the City Manager to execute contract for replacement standby generators at Peterson Park and Northeast Lift Stations to Day's Generator Service, of Brentwood, CA, and appropriating funds in the amount of \$73,580.

C-12 Adopt Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Adecco Employment Services for Temporary Clerical and Information Technology Support (PW)

Adopted Resolution No. 2011-106 authorizing the City Manager to execute a Professional Services Agreement with Adecco Employment Services for temporary clerical and Information Technology support.

C-13 Adopt Resolution Ratifying Employment Agreement Entered into Between the City of Lodi and Chief of Police Mark A. Helms (CM)

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

Mayor Pro Tempore Mounce stated she would not be voting in favor of the motion based on her previous voting record and her fundamental opposition to a six-month severance clause.

Mayor Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2011-110 ratifying employment agreement entered into between the City of Lodi and Chief of Police Mark A. Helms.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Katzakian, and Mayor Johnson

Noes: Mayor Pro Tempore Mounce

Absent: Council Member Nakanishi

C-14 Adopt Resolution Accepting Grant from General Mills Foundation in Support of the Lodi Public Library's Homework Help Program and Appropriate Funds to the Library Fund (\$8,000) (LIB)

Adopted Resolution No. 2011-107 accepting grant from General Mills Foundation in support of the Lodi Public Library's Homework Help Program and appropriating funds to the Library Fund in the amount of \$8,000.

C-15 Accept Improvements Under Contract for Municipal Service Center Compressed Natural Gas Compressor No. 1 Rebuild Project (PW)

Accepted improvements under contract for Municipal Service Center Compressed Natural Gas Compressor No. 1 Rebuild Project.

C-16 Set Public Hearing for July 20, 2011, to Consider Report for Sidewalk Repairs and to Confirm the Report as Submitted by the Public Works Department (PW)

Set public hearing for July 20, 2011, to consider Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department.

C-17 Set Public Hearing for August 3, 2011, to Consider Resolution Adopting 2010 Urban Water Management Plan Update (PW)

Set public hearing for August 3, 2011, to consider resolution adopting 2010 Urban Water Management Plan update.

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.

John Slaughterback spoke in support of the water meter installation program and the \$300 cost for implementation.

Deanna Tryon spoke in regard to her concerns about water meter installations as it relates to her pool installation and the claims process for refunding a portion of the costs.

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

Council Member Mounce provided a brief overview of the Council's history with the approval of the water meters and related installations.

Council Member Hansen reported on his meeting with the new Delta College president and the upcoming Highway 12 Task Force meeting to be held in Lodi.

Council Member Nakanishi provided a brief overview of the Governor's budget and how it relates to redevelopment. Mayor Pro Tempore Mounce also discussed the status of the pending lawsuit to be filed by the League of California Cities in response to the redevelopment taking.

Mayor Johnson provided a status report regarding redistricting and the potential to amend the draft maps. Mayor Johnson also asked the City Clerk to return with information regarding the need for a removal policy for board, committee, and commission members in response to a grand jury report, which looked into the appointment process in general.

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

None.

G. Public Hearings - None

H. Communications

H-1 Appointments to the Library Board of Trustees, Lodi Arts Commission, and Planning Commission (CLK)

Mayor Pro Tempore Mounce made a motion, second by Mayor Johnson, to make the following appointments:

Library Board of Trustees

Stephen Paul Mackey, term to expire June 30, 2014

Lodi Arts Commission

Cathy Metcalf, term to expire July 1, 2014

Planning Commission

Steven Hennecke, term to expire June 30, 2015

Dave Kirsten, term to expire June 30, 2015

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 Introduce Ordinance Amending Lodi Municipal Code Chapter 16.40, "Reimbursement for Construction," by Repealing and Re-Enacting Section 16.40.050, "Reimbursement Agreements," in its Entirety (PW)

This item was pulled from the agenda pursuant to staff's request.

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:42 p.m.

ATTEST:

Randi Johl
City Clerk