

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, OCTOBER 19, 2011**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of October 19, 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-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 6:40 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Johnson reconvened the City Council meeting, and Deputy City Attorney Magdich 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 October 19, 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, Deputy City Attorney Magdich, and City Clerk Johl

B. Presentations

B-1 Sandhill Crane Festival Proclamation

Mayor Johnson presented a proclamation to Ken Nieland of the Lodi Sandhill Crane Association in celebration of the Sandhill Crane Festival in the City of Lodi.

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, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$8,307,487.22 (FIN)

Claims were approved in the amount of \$8,307,487.22.

C-2 Approve Minutes (CLK)

The minutes of October 4, 2011 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Wastewater Main Rehabilitation Program (Project No. 5) (PW)

Approved the plans and specifications and authorized advertisement for bids for Wastewater Main Rehabilitation Program (Project No. 5).

C-4 Approve Specifications and Authorize Advertisement for Bids for 2011 GrapeLine Bus Stop Improvements (PW)

Approved the specifications and authorized advertisement for bids for 2011 GrapeLine Bus Stop Improvements.

C-5 Approve Request for Proposals and Authorize Advertisement for Contract Services for the Development and Implementation of a Climate Action Plan (CD)

Council Member Nakanishi pulled this item to vote in opposition based on his concern that the law itself is not good for the economy, jobs, and businesses.

Tom Ruemmler spoke in favor of the proposed item, stating the implementation of the plan could be done in a manner that is cost effective and friendly to the environment.

Greg Goehring spoke in opposition to the proposed item based on his concern that the original law is based on faulty science and not in the best interest of the citizens.

Council Member Hansen made a motion, second by Mayor Johnson, to approve request for proposals and authorize advertisement for contract services for the development and implementation of a Climate Action Plan.

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-6 Adopt Resolution Approving Purchase Order to A-Z Bus Sales, of Sacramento, for Installation of Diesel Particulate Filters (\$27,344.90) (PW)

Adopted Resolution No. 2011-157 approving the purchase order to A-Z Bus Sales, of Sacramento, for installation of diesel particulate filters in the amount of \$27,344.90.

C-7 Adopt Resolution Approving the Meter Maintenance Program Agreement, the Metering Equipment Transfer Letter of Agreement, and Bill of Sale with Northern California Power Agency and Authorizing Execution by the City Manager (EUD)

Adopted Resolution No. 2011-158 approving the Meter Maintenance Program Agreement, the Metering Equipment Transfer Letter of Agreement, and Bill of Sale with Northern California Power Agency and authorizing execution by the City Manager.

C-8 Adopt Resolution Approving Agreement with Casey Printing, Inc., of King City, for the Production of Five Issues of the Lodi Community Activity Guide (\$45,323) (PRCS)

Adopted Resolution No. 2011-159 approving the agreement with Casey Printing, Inc., of King City, for the production of five issues of the Lodi Community Activity Guide in the amount of \$45,323.

C-9 Adopt Resolution Authorizing the City Manager to Execute One-Year Extension of Contract with Dominguez Landscape Services, Inc., of Sacramento, for City-Funded Maintenance of Consolidated Landscaped Areas (\$149,742.96) (PW)

Adopted Resolution No. 2011-160 authorizing the City Manager to execute one-year extension of contract with Dominguez Landscape Services, Inc., of Sacramento, for City-funded maintenance of consolidated landscaped areas in the amount of \$149,742.96.

C-10 Adopt Resolution Authorizing the City Manager to Execute Contract Change Order with West Coast Arborists, Inc., of Anaheim, for Tree Trimming Services (\$30,000) (PW)

Adopted Resolution No. 2011-161 authorizing the City Manager to execute contract change order with West Coast Arborists, Inc., of Anaheim, for tree trimming services in the amount of \$30,000.

C-11 Adopt Resolution Authorizing the Lodi Police Department to Participate in a Traffic Initiative Grant Funded by the Office of Traffic Safety and Appropriating Funds (\$130,000) (PD)

Adopted Resolution No. 2011-162 authorizing the Lodi Police Department to participate in a Traffic Initiative Grant funded by the Office of Traffic Safety and appropriating funds in the amount of \$130,000.

C-12 Approve the City of Lodi's Arts Grants Submitted for the 2011/12 Fiscal Year (PRCS)

Approved the City of Lodi's Arts Grants submitted for the 2011/12 Fiscal Year.

C-13 Adopt Resolution Rescinding Resolution 93-30, Thereby Eliminating the Personal Computer Purchase Plan (CM)

Adopted Resolution No. 2011-163 rescinding Resolution 93-30, thereby eliminating the Personal Computer Purchase Plan.

C-14 Adopt Resolution Updating the Policies and Procedures for Customer Credit Security Program in Accordance with the Fair & Accurate Credit Transactions Act of 2003 (CM)

Adopted Resolution No. 2011-164 updating the policies and procedures for Customer Credit Security Program in accordance with the Fair & Accurate Credit Transactions Act of 2003.

C-15 Adopt Resolution Approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2010/11 (PW)

Adopted Resolution No. 2011-165 approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2010/11.

C-16 Receive Report Regarding Communications Pertaining to Assembly Bills 438, 646, 1027, 1220, and 1344; Senate Bills 244, 293, 469, 734 and 922; and the Energy Efficiency and Conservation Block Grant Program (CLK)

Received report regarding communications pertaining to Assembly Bills 438, 646, 1027, 1220, and 1344; Senate Bills 244, 293, 469, 734 and 922; and the Energy Efficiency and Conservation Block Grant Program.

C-17 Set Public Hearing for November 2, 2011, to Consider Adoption of a Resolution Setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2012 (CD)

Set public hearing for November 2, 2011, to consider adoption of a resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 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.

Francisco Trujillo, representing the Community Partnership for Families, invited the City Council and public to the "Celebration on Central" event to be held at Joe Serna School on November 20, 2011.

Tom Ruemmler spoke in regard to his concerns about the challenges associated with the market and economy and related studies.

Brett Morgan introduced himself as the new judge in Department 15 of the San Joaquin Superior Court.

Anthony Zagaroli spoke in regard to his concerns about the change in the utility bills that reflect due upon receipt in lieu of a specific date.

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

Mayor Johnson thanked staff for its efforts regarding the temporary flag pole installation at the Grape Bowl. At the request of Mayor Johnson, Fire Chief Dan Haverty provided a brief PowerPoint presentation regarding the Emergency Operations Center table top staff training.

Council Member Nakanishi provided an overview of a San Diego Tribune newspaper article that discussed AB 32 and water authority costs.

Mayor Pro Tempore Mounce commended staff on its efforts regarding the installation of a temporary flag pole at the Grape Bowl. She also inquired about a stop sign installation at the intersection of Ham Lane and Harney Lane.

Council Member Hansen commended Public Works staff on its efforts regarding the Mills Avenue construction project.

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

None.

G. Public Hearings

G-1 Public Hearing to Introduce an Ordinance Amending Chapter 13.20 - Electrical Service - by Repealing and Reenacting Section 13.20.225, "Schedule NEM - Net Energy Metering Rider," and Section 13.20.227, "Schedule CEM - Co-Energy Metering Rider" (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 an ordinance amending Chapter 13.20 - Electrical Service - by repealing and reenacting Section 13.20.225, "Schedule NEM - Net Energy Metering Rider," and Section 13.20.227, "Schedule CEM - Co-Energy Metering Rider."

Electric Utility Director Elizabeth Kirkley provided a brief overview of the proposed co-energy and net-energy metering ordinance as outlined in the staff report.

In response to Council Member Nakanishi, Ms. Kirkley stated AB 920 required the electric utility to pay for customers that use more based on their renewable system and discussed the true up process.

In response to Council Member Hansen, Ms. Kirkley stated originally utilities were not required to reimburse for excess generation and the ordinance primarily applies to the 17 commercial installation and users.

Mayor Johnson opened and closed the public hearing after receiving no public comment.

Mayor Johnson made a motion, second by Mayor Pro Tempore Mounce, to introduce Ordinance No. 1853 amending Chapter 13.20 - Electrical Service - by repealing and reenacting Section 13.20.225, "Schedule NEM - Net Energy Metering Rider," and Section 13.20.227, "Schedule CEM - Co-Energy Metering Rider."

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 the Planning Commission's Recommendation to Certify the 2010-16 Housing Element and Introduce an Interim Ordinance (CD)

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 the Planning Commission's recommendation to certify the 2010-16 Housing Element and introduce an interim ordinance.

City Manager Bartlam provided a PowerPoint presentation regarding the 2010 Housing Element update. Specific topics of discussion included an overview of the adoption process including public outreach, housing element organization, housing element requirements, housing needs assessment, demographics and trends, housing incomes, unemployment rise, special needs population, regional housing needs assessment and income categories, future housing needs, resources and constraints, site inventory and potentials, strategies, and implementation programs.

In response to Mayor Pro Tempore Mounce, Mr. Bartlam stated the City is required to identify under utilized infill sites by law and the 929 South Cherokee Lane property has two designations and is a split-designation because it is a deep property. Mr. Bartlam stated that particular property could redevelop into a higher density on the street and a lower density in the back.

In response to Council Member Hansen, Mr. Bartlam stated the ability to accommodate is based on state requirements and the City needs to show through a mathematical formula various levels of density and affordability.

In response to Council Member Nakanishi, Mr. Bartlam stated the data comes from the Census, research groups, San Joaquin Council of Governments, and the County. Council Member Nakanishi requested low-income data for the City and County.

Mayor Johnson opened the public hearing to receive public comment.

Andy Jensen spoke in regard to the need to be sensitive when designating privately-owned and -operated property as an under-utilized site.

Mayor Johnson closed the public hearing after receiving no further public comment.

In response to Council Member Hansen, Mr. Bartlam stated the whole exercise is theoretical and not absolute.

Council Member Hansen made a motion, second by Mayor Pro Tempore Mounce, to adopt Resolution No. 2011-166 adopting the 2010-16 Housing Element and to introduce Ordinance No. 1854 amending Lodi Municipal Code Title 17 "Zoning" Chapter 17.57, "General Regulations and Exceptions," by adding Section 17.57.200, "Interim Regulations for Mixed Use Designations."

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 Post for Expiring Terms on the Lodi Animal Advisory Commission, Senior Citizens Commission, and Site Plan and Architectural Review Committee (CLK)

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

Lodi Animal Advisory Commission

Linda Castelanelli, term to expire December 31, 2011

Susan J. Blackston, term to expire December 31, 2011

Senior Citizens Commission

Tracy Williams, term to expire December 31, 2011

Terri Whitmire, term to expire December 31, 2011

Site Plan and Architectural Review Committee

Roger Stafford, term to expire January 1, 2012

Vacancy, term to expire January 1, 2012

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 approve the cumulative Monthly Protocol Account Report through September 30, 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 Authorizing Recruitments to Staff the City's Water Treatment Plant and Appropriating Funds (\$225,000) (PW)

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding the water treatment plant staffing plan. Specific topics of discussion included operation phases, comparison of staffing, comparison of staff compensation, cost comparison, public- and private-partnership issues, minimum staffing attended, community of Mountain House, and recommendation.

In response to Council Member Hansen, Mr. Sandelin stated the percentage variable for the plant manager cost is based on salary only without benefits and private contractors may have a higher salary with a lesser benefit package.

In response to Mayor Johnson, Mr. Sandelin stated one of the three operators is assigned to laboratory tasks and there would be some crossover although some tests will be performed on-site at the treatment plant versus the White Slough facility.

In response to Mayor Pro Tempore Mounce, Mr. Sandelin stated the water treatment plant is a filtration plant and not a membrane plant.

In response to Mayor Johnson, Mr. Sandelin discussed the "million gallons per day" potential for various plants including Lodi, Yucaipa, Bakersfield, and Mountain House.

In response to Council Member Hansen, Mr. Bartlam stated a warranty issue could be covered in a contract for foreseen circumstances but would be difficult for what is not known.

In response to Mayor Pro Tempore Mounce, Mr. Sandelin stated the \$50,000 figure is for capital maintenance for wells and the \$600,000 is for day-to-day activity.

In response to Mayor Pro Tempore Mounce, Mr. Sandelin confirmed there is no cost savings or increase to rate payers based on the proposals from the City or Veolia.

In response to Mayor Johnson, Mr. Sandelin stated the skill set provided by all of the proposers at the plant would be fairly equal as it is a matter of hiring the right people with the right experience.

Council Member Hansen, Council Member Katzakian, and Mayor Johnson disclosed that they met with representatives of both Veolia and Southwest and toured the Mountain House plant.

Jim Good, representing Veolia, provided an overview of the company and specifically discussed the price differential in the proposals, risk transfer and compliance efforts as shown through data management and work orders, operations on a pall membrane plant, Rio Vista and Discovery Bay plants, and contractor responsibility for compliance and fines.

William Schwartz, representing Southwest, provided an overview of the company and specifically discussed cost savings associated with its proposal, Mountain House facility operations, differences between plant types and operations, staff requirements and tasks, and Rio Vista and Discovery Bay facilities.

In response to Mayor Johnson, Mr. Sandelin stated the City's staffing includes 3.9 people that could be theoretical and the consultant thought the minimum number of staff required was five.

Ed Miller spoke in regard to his concerns about the three proposals, stating the focus should be on the cost delivery only.

Gary Wiman spoke in regard to his concerns about not having a City facility operated by experienced and dedicated City staff.

In response to Council Member Hansen, Mr. Sandelin stated the City's proposal was put together with a conservative approach, some positions may not be filled, and the transition manager would be gone within the second year of operation.

In response to Mayor Pro Tempore Mounce, Mr. Sandelin stated City staff can operate at the same level as Veolia and match the proposal cost.

Discussion ensued amongst the City Council regarding the need to reevaluate and rework all three proposals for cost savings and postponing the decision-making process until additional information can be received.

Mayor Johnson made a motion, second by Council Member Hansen, to continue the matter to a future City Council meeting to allow staff and the City Manager time to reevaluate the various proposals for the staffing of the new water treatment plant.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Nakanishi, and Mayor Pro Tempore Mounce

Absent: None

J. Ordinances

J-1 Adopt Ordinance No. 1852 Entitled, "An Ordinance of the Lodi City Council Amending Lodi (Adopt) Municipal Code Chapter 16.40 - Reimbursements for Construction - by Repealing and Reenacting Section 16.40.050, "Reimbursement Agreements," In Its Entirety" (CLK)

Mayor Johnson made a motion, second by Mayor Pro Tempore Mounce, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1852 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 16.40 - Reimbursements for Construction - by Repealing and Reenacting Section 16.40.050, "Reimbursement Agreements," In Its Entirety," which was introduced at a regular meeting of the Lodi City Council held October 5, 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 10:58 p.m.

ATTEST:

Randi Johl  
City Clerk