

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JANUARY 18, 2012**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of January 18, 2012, was called to order by Mayor Mounce at 6:00 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

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 6:00 p.m., Mayor Mounce adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:50 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 only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of January 18, 2012, was called to order by Mayor Mounce at 7:00 p.m.

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

Absent: Council Member Johnson

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)

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

Noes: None

Absent: Council Member Johnson

**C-1 Receive Register of Claims in the Amount of \$9,344,119.27 (FIN)**

Claims were approved in the amount of \$9,344,119.27.

**C-2 Approve Minutes (CLK)**

The minutes of December 20, 2011 (Shirtsleeve Session), December 21, 2011 (Regular Meeting), December 27, 2011 (Shirtsleeve Session), January 3, 2012 (Shirtsleeve Session), January 4, 2012 (Regular Meeting), January 10, 2012 (Shirtsleeve Session), and January 10, 2012 (Special Meeting) were approved as written.

**C-3 Authorize Request for Proposals for Security Services for the Hutchins Street Square Community Center (PRCS)**

Authorized the request for proposals for security services for the Hutchins Street Square Community Center.

**C-4 Adopt Resolution Approving the Purchase of Padmount Transformers from HEES Enterprises, Inc., of Astoria, Oregon (\$72,698.93) (EUD)**

Adopted Resolution No. 2012-01 approving the purchase of padmount transformers from HEES Enterprises, Inc., of Astoria, Oregon, in the amount of \$72,698.93.

**C-5 Adopt Resolution Rejecting Non-Responsive Bids, Authorizing the City Manager to Execute Contract for Transit Station Facility Improvement Project with Diede Construction, Inc., of Lodi (\$127,596.50), and Appropriating Funds (\$25,000) (PW)**

This item was pulled by City Manager Bartlam for consideration at a future meeting.

**C-6 Adopt Resolution Rejecting Non-Responsive Bid, Authorizing the City Manager to Execute Contract for City of Lodi Facility Painting Project with OnPoint Construction, of Millbrae (\$53,140), and Appropriating Funds (\$23,584) (PW)**

Adopted Resolution No. 2012-02 rejecting non-responsive bid, authorizing the City Manager to execute contract for City of Lodi Facility Painting Project with OnPoint Construction, of Millbrae, in the amount of \$53,140, and appropriating funds in the amount of \$23,584.

**C-7 Accept Improvements Under Contract for Well 27 On-Site Improvements, 2360 West Century Boulevard (PW)**

Accepted the improvements under contract for Well 27 On-Site Improvements, 2360 West Century Boulevard.

C-8 Accept Improvements Under Contract for Municipal Service Center Parking Lot Improvement Project (PW)

Accepted the improvements under contract for Municipal Service Center Parking Lot Improvement Project.

C-9 Adopt Resolution Accepting Improvements Under Contract for State Route 99/Harney Lane Interim Improvement Project, Appropriating Funds (\$60,000), and Authorizing the City Manager to Execute a Plant Establishment Agreement with Knife River Construction, of Stockton (PW)

Adopted Resolution No. 2012-03 accepting the improvements under contract for State Route 99/Harney Lane Interim Improvement Project, appropriating funds in the amount of \$60,000, and authorizing the City Manager to execute a Plant Establishment Agreement with Knife River Construction, of Stockton.

C-10 Adopt Resolution Establishing a Fee Recovery Schedule for the Lodi Energy Theft Diversion Program (EUD)

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

In response to Mayor Pro Tempore Nakanishi, Mr. Bartlam stated this proposed resolution establishing fees for the Lodi Energy Theft Diversion Program applies to those individuals who are stealing electricity from the utility and the rate payers of the community.

Mayor Pro Tempore Nakanishi made a motion, second by Council Member Hansen, to adopt Resolution No. 2012-04 establishing a fee recovery schedule for the Lodi Energy Theft Diversion Program.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Johnson

C-11 Approve New Meeting Day and Time for the Lodi Senior Citizens Commission (PRCS)

Approved new meeting day and time for the Lodi Senior Citizens Commission.

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.

Jane Lea spoke in regard to the abolishment of redevelopment pursuant to the Governor's budget and the California Supreme Court decision and requested that the City abolish its redevelopment agency. City Attorney Schwabauer stated no additional Council action is needed as the redevelopment agency for the City of Lodi will be automatically abolished on February 1,

2012.

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

Mayor Pro Tempore Nakanishi provided an update on the "State of the State" as presented by Governor Jerry Brown.

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

City Manager Bartlam introduced the new Fire Chief, Larry Rooney, to the City Council and the community.

G. Public Hearings - None

H. Communications

H-1 Monthly Protocol Account Report (CLK)

Mayor Mounce made a motion, second by Council Member Katzakian, to approve the cumulative Monthly Protocol Account Report through December 31, 2011.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Johnson

I. Regular Calendar

I-1 Introduce Ordinance Revising Lodi Municipal Code Section 13.04 Related to Utility Billing (CM)

Deputy City Manager/Finance Director Jordan Ayers provided a brief PowerPoint presentation regarding the proposed ordinance pertaining to utility billing. Specific topics of discussion included the current time line and inconsistencies with the current ordinance, proposed time line, summary of changes, due date, deposits, terms, notices, and recommended action.

In response to Council Member Hansen, Mr. Ayers stated the deposit applies to anyone who cannot show good payment history.

In response to Mayor Mounce, Mr. Ayers stated the delinquency date will be 26 days from the issue date, which also allows for delays in the mail system.

In response to Mayor Mounce, Mr. Ayers stated to ensure the new system works as it is supposed to the internal calculator, which is automated, will reflect current trigger dates and systems reports will be generated each day to reflect the current status of accounts.

In response to Mayor Mounce, Mr. Ayers stated shut offs will be happening multiple days during the week, medical accounts are not turned off, and public outreach will happen through the bill stuffers, newspapers, and at the counter.

In response to Mayor Pro Tempore Nakanishi, Mr. Ayers stated the utility bill will have a specific due date on it and the fine amount can also be included.

Ed Miller spoke in regard to having a performance metric in place for such a system. City Manager Bartlam stated late fees are used to offset the costs associated with collecting those fees and he is hopeful in some time the bad debt number from the utility will decline showing the system is performing as it should be.

Maria Rufino spoke in regard to the lack of customer service she received at the Finance Department front counter and her concerns regarding the deposit amount of \$325 for a non-US identification when an additional \$325 deposit is already on the account with a valid US identification.

In response to Mayor Mounce, Mr. Ayers confirmed that as the ordinance currently reads an initial \$325 deposit is required on a new account and an additional \$325 deposit would be required for each additional adult who does not have a US identification.

In response to Mayor Mounce, City Attorney Schwabauer stated the City has had a history of people gaming the system through altered rental agreements, which is why the current system is in place.

In response to Mayor Mounce, Mr. Ayers stated the social security number is used to verify customer identification consistent with the FACT Act through a credit reporting system and is not connected to immigration.

In response to Mayor Pro Tempore Nakanishi, Mr. Ayers stated he will be following up with the employees regarding the customer service protocol and policy based on the complaint received.

Discussion ensued amongst the City Council and City Manager Bartlam regarding the gaming of the system with roommates versus when a new tenant comes in and altered rental agreements.

In response to Council Member Hansen, Mr. Bartlam stated a listing of all adults is required for everyone who opens an account and an additional deposit is required for any of those adults who cannot produce a US identification.

In response to Mayor Mounce, Mr. Ayers stated a deposit stays on an account for 12 months assuming there are no late payments.

In response to Council Member Hansen, Mr. Ayers confirmed a valid US identification would include a California drivers license, identification card, passport, or military identification.

In response to discussion by the City Council, Mr. Schwabauer stated the proposed ordinance can be amended if desired to state that an additional deposit shall not be required for a non-US identification where a US identification deposit already exists on the account.

Council Member Hansen made a motion, second by Council Member Katzakian, to introduce Ordinance No. 1856 revising Lodi Municipal Code Section 13.04 related to utility billing as amended with respect to the deposit requirements.

**VOTE:**

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Johnson

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:00 p.m.

ATTEST:

Randi Johl  
City Clerk