

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 1, 2012**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of February 1, 2012, was called to order by Mayor Mounce at 5:30 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) Actual Litigation: Government Code §54956.9; One Application - Shana Lopez v. City of Lodi, Unassigned Case - 7/24/04
- d) Prospective Sale of Real Property at 500 S Guild Avenue: Government Code Section 54956.8; Negotiators are Wayne Craig for Thatcher Chemical and City Manager Konradt Bartlam

C-3 Adjourn to Closed Session

At 5:30 p.m., Mayor Mounce 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 Mounce reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

Items C-02 (a), C-02 (b), C-02 (c), and C-02(d) were all discussion and direction only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of February 1, 2012, was called to order by Mayor Mounce at 7:00 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

B. Presentations

B-1 Presentation of Certificate of Recognition to Lodi Association of Realtors President, Diane Gallagher

This item was continued to the next regularly scheduled City Council meeting.

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

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$6,066,529.42 (FIN)

Claims were approved in the amount of \$6,066,529.42.

C-2 Approve Minutes (CLK)

The minutes of January 17, 2012 (Shirtsleeve Session), January 18, 2012 (Regular Meeting), and January 24, 2012 (Shirtsleeve Session) were approved as written.

C-3 Accept Improvements Under Contract for 2011 Disabled Access Improvements, 100 Block of West Elm Street and 111 North Stockton Street (PW)

Accepted the improvements under contract for 2011 Disabled Access Improvements, 100 Block of West Elm Street and 111 North Stockton Street.

C-4 Accept Improvements Under Contract for 2011 Extruded Thermoplastic Traffic Stripes, Various City Streets Project (PW)

Accepted the improvements under contract for 2011 Extruded Thermoplastic Traffic Stripes, Various City Streets Project.

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 for public comment by Angie McDaniel.

Angie McDaniel spoke in regard to concerns about the bidding process and design build projects.

In response to Council Member Hansen, Ms. McDaniel stated she is a sole proprietor representing Guthrie Consulting and she did not bid on the project. City Attorney Schwabauer stated he is satisfied that the design build language that was included in the bid package as an error does not change the fact that the contract is not a design build contract, which is evident from the remaining materials in the packet.

In response to Council Member Hansen, Mr. Bartlam stated Deide Construction did perform the original work on this project. Further, Public Works Director Wally Sandelin stated the design of the security system for the transit facility was approved earlier this evening with Item No. C-6 and it is expected to be installed by the end of fall.

In response to Mayor Mounce, Mr. Schwabauer stated it is not the design build language that caused the lowest bidder to be non-responsive.

In response to Council Member Hansen, Mr. Schwabauer stated that, based on his conversation with General Counsel at the Federal Transit Administration, he is confident that the concern regarding the design build language error is a non-issue.

In response to Mayor Mounce, Mr. Schwabauer stated the City does not typically do contractor prequalification for certain contracts.

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2012-06 rejecting non-responsive bids, authorizing the City Manager to execute contract for Transit Station Facility Improvement Project with Diede Construction, Inc., of Lodi, in the amount of \$127,596.50, and appropriating funds in the amount of \$25,000.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-6 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement with Jacobs Engineering Group, Inc., of Sacramento, for Design of the Security and Safety System for Lodi Transit Station and Parking Structure (\$72,176) (PW)

Adopted Resolution No. 2012-05 authorizing the City Manager to execute professional services agreement with Jacobs Engineering Group, Inc., of Sacramento, for design of the security and safety system for Lodi Transit Station and Parking Structure in the amount of \$72,176.

C-7 Authorize the City Manager to Execute Amendment to Professional Services Agreement with Robert Half Technology (\$60,000) (CM)

Authorized the City Manager to execute an amendment to the professional services agreement with Robert Half Technology in the amount of \$60,000.

C-8 Adopt Resolution Approving Memorandum of Understanding Between the City of Lodi and the Lodi City Mid-Management Association for the Period January 1, 2012 through December 31, 2013 (CM)

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

Council Member Johnson stated he would not be voting in favor of the proposed recommendation

because of his belief that the City should deal with the issue of retirement in its entirety at one time rather than incrementally over a two-year period.

Council Member Hansen made a motion, second by Council Member Katzakian, to adopt Resolution No. 2012-07 approving Memorandum of Understanding between City of Lodi and Lodi City Mid-Management Association for period January 1, 2012 through December 31, 2013.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Johnson

Absent: None

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.

Ed Miller spoke in regard to concerns about the City's sealed bid process. City Manager Bartlam explained that the water treatment plant and financial services contracts were for professional services done through requests for proposals versus sealed bid process. Mr. Bartlam offered to provide Mr. Miller additional written information regarding said processes.

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

Council Member Hansen wished Parks, Recreation and Cultural Services Director Jim Rodems good luck with his new employment. Mr. Hansen reported on his attendance at Northern California Power Agency (NCPA) and San Joaquin Council of Governments meetings and specifically discussed the NCPA strategic conference, Capitol Day, refinancing of hydro bonds, Smart Growth funding, and Highway 12.

Mayor Mounce reported on happenings at the League of California Cities including proposals related to pension reform.

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

City Manager Bartlam wished Parks, Recreation and Cultural Services Director Jim Rodems the best of luck with his new employment.

G. Public Hearings - None

H. Communications

H-1 Post for Expiring Terms on the Lodi Improvement Committee (CLK)

Mayor Mounce made a motion, second by Council Member Hansen, to direct the City Clerk to post for the following expiring terms:

Lodi Improvement Committee

Fran Forkas, term to expire March 1, 2012

Lisa Nixon, term to expire March 1, 2012

Robert Takeuchi, term to expire March 1, 2012

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I. Regular Calendar

I-1 Consider Introducing Ordinance Amending Lodi Municipal Code Chapter 3.20-Purchasing System-by Adding Section 3.20.106, "Local Hire Policy and Apprenticeship" (CA)

City Attorney Schwabauer provided an overview of the proposed local hiring ordinance as set forth in the staff report.

In response to Mayor Mounce, Mr. Schwabauer stated staff received only one comment from a contractor regarding the proposed ordinance and it was positive.

In response to Council Member Hansen, Mr. Schwabauer stated the local apprenticeship program is not a mandate and only requires a good faith effort.

In response to Mayor Pro Tempore Nakanishi, Mr. Schwabauer stated if one of two bids were submitted by a local contractor, the City would still have an obligation to go with the lowest responsible bidder regardless of contractor location.

Nicole Goehring spoke in support of the proposed ordinance and invited the City Council to attend a local training event in Livermore on February 29, 2012.

Matt Richard spoke in support of the proposed ordinance based on his personal experience with being hired and trained locally.

Mayor Mounce made a motion, second by Council Member Hansen, to introduce Ordinance No. 1857 amending Lodi Municipal Code Chapter 3.20 - Purchasing System - by adding Section 3.20.106, "Local Hire Policy and Apprenticeship."

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I-2 Provide Direction Regarding Requested Changes to Cardroom Ordinance Sections 5.12.140, "Rules and Regulations," and 5.12.170, "Gross Revenue Permit Fees" (CA)

City Attorney Schwabauer provided a brief overview of the direction requested with respect to submitting changes to the cardroom ordinance to the Attorney General's office as outlined in the staff report.

In response to Mayor Mounce, Steven Snider, representing the cardroom, stated the plan is to expand slightly into the dining room area to accommodate more card players and to allow for more flexibility. Mr. Snider confirmed the restaurant portion of the business is less profitable.

In response to Council Member Hansen, Mr. Snider stated it is difficult to add two more tables to the current game room configuration and opening up to the restaurant area will provide more flexibility. Mr. Snider stated the restaurant and gaming areas are still required to be separated and the cardroom will need to go back to the Planning Commission for approval with respect to its new floor design of the tables. Further, Mr. Snider stated they are not looking to add more hours but would like to shift the existing hours to match when patrons play.

In response to Mayor Mounce, Mr. Snider confirmed the process associated with submitting proposed changes to the Attorney General, obtaining Council approval on the revised ordinance, and obtaining Planning Commission approval on the internal design facility options.

In response to Council Member Johnson, Mr. Snider stated the overall goal is to make the business as successful as possible to ensure a good profit for both the business and the City.

In response to Council Member Hansen, Mr. Snider stated the cardroom currently employs approximately 90 people.

The City Council provided general direction to the City Attorney to submit the proposed changes to the Attorney General as required.

J. Ordinances

J-1 Adopt Ordinance No. 1856 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 13 - Public Services - by Repealing and Re-Enacting Chapter 13.04, 'Service Generally,' in Its Entirety" (CLK)

Council Member Hansen made a motion, second by Mayor Mounce, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1856 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 13 - Public Services - by Repealing and Re-Enacting Chapter 13.04, 'Service Generally,' in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held January 18, 2012.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

K. Adjournment

There being no further business to come before Council, the meeting was adjourned at 8:25 p.m.

ATTEST:

Randi Johl
City Clerk