

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

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of April 18, 2012, was called to order by Mayor Mounce at 6:30 p.m.

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

Absent: Council Member Katzakian

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

C-2 Announcement of Closed Session

a) Conference with Steve 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 Steve 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 6:30 p.m., Mayor Mounce adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 7:00 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 and direction only with no reportable action.

A. Call to Order / Roll Call

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

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

Absent: Council Member Katzakian

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

B. Presentations

B-1 Presentation of Certificate of Recognition to Brian Watts for Life Saving Efforts

Mayor Mounce presented a Certificate of Recognition to Brian Watts who, on March 23, 2012, bravely put himself in harms way to save a driver of a dump truck who had been struck by another vehicle and was trapped in the truck, which was leaking fuel and engulfed in flames.

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

Council Member Hansen made a motion, second by Mayor Pro Tempore Nakanishi, 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, Mayor Pro Tempore Nakanishi, and Mayor Mounce

Noes: None

Absent: Council Member Katzakian

C-1 Receive Register of Claims in the Amount of \$8,851,056.36 (FIN)

Claims were approved in the amount of \$8,851,056.36.

C-2 Approve Minutes (CLK)

The minutes of April 3, 2012 (Shirtsleeve Session), April 4, 2012 (Regular Meeting), April 10, 2012 (Shirtsleeve Session), and April 10, 2012 (Special Meeting) were approved as written.

C-3 Approve Specifications and Authorize Advertisement for Bids for Tree Maintenance for Fiscal Year 2012/13 (PW)

Approved the specifications and authorized advertisement for bids for tree maintenance for fiscal year 2012/13.

C-4 Approve Specifications and Authorize Advertisement for Bids for Extruded Thermoplastic Lane Line Marking for Various City Streets for Fiscal Year 2012/13 (PW)

Approved the specifications and authorized advertisement for bids for extruded thermoplastic lane line marking for various City streets for fiscal year 2012/13.

C-5 Adopt Resolution Approving Purchase of 2012 John Deere 210K Tractor Loader from Pape Machinery, of French Camp (\$92,659) (PW)

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

In response to Council Member Hansen, Public Works Director Wally Sandelin stated the City is somewhat limited with respect to local businesses when it utilizes the State's contracting services. Mr. Sandelin stated staff does check with local business when purchasing replacement cars and trucks.

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2012-44 approving the purchase of 2012 John Deere 210K tractor loader from Pape Machinery, of French Camp, in the amount of \$92,659.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Katzakian

C-6 Adopt Resolution Authorizing the City Manager to Execute Contract for Roget Park Improvements, 2229 Tienda Drive, with Hemington Landscape Services, of Cameron Park (\$543,207.50), and Appropriating Funds (\$600,000) (PW)

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

Council Member Hansen commended the efforts of those involved with the completion of the Roget Park project including the Roget Family.

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2012-45 authorizing the City Manager to execute contract for Roget Park Improvements, 2229 Tienda Drive, with Hemington Landscape Services, of Cameron Park, in the amount of \$543,207.50, and appropriating funds in the amount of \$600,000.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Katzakian

C-7 Adopt Resolution Authorizing the City Manager to Execute Contract and Contract Extensions for Fixed Route, ADA Paratransit, and Demand Response Operations for Fiscal Years 2012/13 to 2014/15 with MV Transportation, Inc., of Fairfield (\$1,682,365 for Fiscal Year 2012/13) (PW)

Adopted Resolution No. 2012-36 authorizing the City Manager to execute contract and contract extensions for fixed route, ADA paratransit, and demand response operations for fiscal years 2012/13 to 2014/15 with MV Transportation, Inc., of Fairfield, in the amount of \$1,682,365 for fiscal year 2012/13.

C-8 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement for Surface Water Treatment Plant Transition Management Services with Carollo Engineers, Inc., of Sacramento, and Appropriating Funds (\$203,900) (PW)

Adopted Resolution No. 2012-37 authorizing the City Manager to execute professional services agreement for Surface Water Treatment Plant transition management services with Carollo Engineers, Inc., of Sacramento, and appropriating funds in the amount of \$203,900.

C-9 Adopt Resolution Authorizing the City Manager to Execute Amendment to Professional Services Agreement for Design Services for Grape Bowl Stadium with Siegfried Engineering, Inc., of Stockton (\$17,800), and Appropriating Funds (\$20,000) (PW)

Adopted Resolution No. 2012-38 authorizing the City Manager to execute amendment to professional services agreement for design services for Grape Bowl Stadium with Siegfried Engineering, Inc., of Stockton, in the amount of \$17,800, and appropriating funds in the amount of \$20,000.

C-10 Adopt Resolution Authorizing the City Manager to Execute Amendment to Professional

Services Agreement for Development Impact Mitigation Fee Program Update with Harris and Associates, of Tracy (\$30,000), and Appropriating Funds (\$50,000) (PW)

Adopted Resolution No. 2012-39 authorizing the City Manager to execute amendment to professional services agreement for Development Impact Mitigation Fee Program update with Harris and Associates, of Tracy, in the amount of \$30,000, and appropriating funds in the amount of \$50,000.

C-11 Adopt Resolution Approving the Northern California Power Agency Legislative and Regulatory Affairs Program Agreement and Authorizing the City Manager to Execute Said Agreement (EUD)

Adopted Resolution No. 2012-40 approving the Northern California Power Agency Legislative and Regulatory Affairs Program Agreement and authorizing the City Manager to execute said agreement.

C-12 Adopt Resolution Authorizing the City Manager to Execute a Consultant Services Agreement with Northern California Power Agency Regarding crmOrbit, Inc., and Allocate Public Benefit Program Funds (\$27,000) (EUD)

Adopted Resolution No. 2012-41 authorizing the City Manager to execute a consultant services agreement with Northern California Power Agency regarding crmOrbit, Inc., and allocated Public Benefit Program funds in the amount of \$27,000.

C-13 Adopt Resolution Authorizing the City Manager to Allocate \$25,000 in Public Benefit Program Funds for a Research, Development, and Demonstration Grant to Lodi Unified School District (EUD)

Adopted Resolution No. 2012-42 authorizing the City Manager to allocate \$25,000 in Public Benefit Program funds for a research, development, and demonstration grant to Lodi Unified School District.

C-14 Adopt Resolution Approving the Application for the Department of Boating and Waterways Grant (PRCS)

Adopted Resolution No. 2012-43 approving the application for the Department of Boating and Waterways Grant.

C-15 Receive Report Regarding League of California Cities Communications Pertaining to Assembly Bill 1627 and Senate Bill 1498 (CLK)

Received report regarding League of California Cities communications pertaining to Assembly Bill 1627 and Senate Bill 1498.

C-16 Adopt Resolution Approving Lodi Professional Firefighters Memorandum of Understanding for the Period of January 1, 2012 through November 30, 2013 (CM)

Council Member Hansen made a motion, second by Mayor Pro Tempore Nakanishi, to adopt Resolution No. 2012-46 approving Lodi Professional Firefighters Memorandum of Understanding for the period of January 1, 2012 through November 30, 2013.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Johnson
Absent: Council Member Katzakian

C-17 Set Public Hearing for May 2, 2012, to Approve the Final 2012/13 Action Plan for the Community Development Block Grant Program (CD)

Set public hearing for May 2, 2012, to approve the Final 2012/13 Action Plan for the Community Development Block Grant Program.

- 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 Johnson commended the efforts of those involved in Phase II of the water meter installation project including the contractor, suggested outreach to the gardeners in the community regarding prohibited blowing of waste into the stormdrains, and reported on the City Hall tour given to German exchange students.

Mayor Mounce stated she was grateful that another tax season had come to a close.

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

None.

G. Public Hearings

- G-1 Public Hearing to Consider Amending Lodi Municipal Code Chapter 13.20 - Electrical Service - by Repealing and Reenacting Section 13.20.175, "Schedule ECA - Energy Cost Adjustment," in its Entirety to Include Flat Energy Cost Adjustment Option (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 Mounce called for the public hearing to consider amending Lodi Municipal Code Chapter 13.20 - Electrical Service - by repealing and reenacting Section 13.20.175, "Schedule ECA - Energy Cost Adjustment," in its entirety to include flat energy cost adjustment option.

City Manager Bartlam provided a brief introduction to the subject matter of the flat energy cost adjustment (ECA).

Electric Utility Director Kirkley provided a PowerPoint presentation regarding the flat ECA. Specific topics of discussion included background, purpose of flat ECA, proposal, flat ECA calculation, and eligible customers.

In response to Council Member Hansen, Ms. Kirkley stated the proposed adjustment would

be done every fiscal year starting July 1, 2012, on an opt-in program basis.

In response to Mayor Pro Tempore Nakanishi, Mr. Bartlam stated the proposed adjustment does not cost the ratepayers anything extra and the only impact is to the eligible customers who throughout the year will end up paying the same amount. Mr. Bartlam stated the larger customers prefer to have their monthly cost evened out based on estimates to avoid big swings when the ECA changes.

Mayor Mounce opened the public hearing.

Pat Patrick, representing the Chamber of Commerce, provided a brief overview of some of the eligible customers as indicated in the presentation and specifically discussed the type of business and the approximate number of employees in said business.

Receiving no further comments, Mayor Mounce closed the public hearing.

Council Member Hansen made a motion, second by Council Member Johnson, to introduce Ordinance No. 1858 amending Lodi Municipal Code Chapter 13.20 - Electrical Service - by repealing and reenacting Section 13.20.175, "Schedule ECA - Energy Cost Adjustment," in its entirety to include flat energy cost adjustment option.

VOTE:

The above motion carried by the following vote:

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

Noes: Mayor Mounce

Absent: Council Member Katzakian

G-2 Public Hearing to Consider Adopting Resolution Setting Pre-Approved Engineering News Record Adjustment Index for Wastewater Rates for Residential, Commercial, and Industrial Customers (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mounce called for the public hearing to consider adopting resolution setting pre-approved Engineering News Record adjustment index for wastewater rates for residential, commercial, and industrial customers.

City Manager Bartlam provided a brief introduction to the subject matter of the wastewater rates.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding the wastewater rates. Specific topics of discussion included the background, rate adjustments, major expenditures, fund highlights, comparative rates, and usage based billing.

In response to Mayor Pro Tempore Nakanishi, Mr. Sandelin stated the City falls in the middle in comparison to wastewater rates in other communities and the lack of rate increases would result in deferred maintenance of wastewater infrastructure.

Mayor Mounce opened the public hearing and receiving no comments closed the public hearing.

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2012-47 setting pre-approved Engineering News Record adjustment index for wastewater rates for residential, commercial, and industrial customers.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Katzakian

H. Communications

H-1 Post for Vacancy on the Lodi Senior Citizens Commission (CLK)

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

Lodi Senior Citizens Commission

Winona Ellwein, term to expire December 31, 2013

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Katzakian

I. Regular Calendar - None

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:15 p.m.

ATTEST:

Randi Johl
City Clerk