

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 21, 2012**

- C-1 Call to Order / Roll Call - N/A
- C-2 Announcement of Closed Session - N/A
- C-3 Adjourn to Closed Session - N/A
- C-4 Return to Open Session / Disclosure of Action - N/A
- A. Call to Order / Roll Call

The Regular City Council meeting of November 21, 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 by Assembly Member Berryhill Regarding City's Participation in the HEAL Program (CLK)

This item was pulled from the agenda by staff at the request of the presenter.

- B-2 Presentation by Hospice of San Joaquin Regarding 2012 Tree of Lights (CM)

Julie Wetteland, Butterfly Auxiliary Lodi Chapter President, made a presentation regarding the 2012 Hospice Tree Lighting in the City of Lodi, which will take place the evening of December 6, 2012, in front of Lodi City Hall.

- B-3 Quarterly Update by the Greater Lodi Area Youth Commission (PRCS)

Anthony Sorbera and Lauren Youngsma, members of the Greater Lodi Area Youth Commission, gave an update on the activities and accomplishments of the Greater Lodi Area Youth Commission.

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

Council Member Johnson 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 \$5,983,091.67 (FIN)

Claims were approved in the amount of \$5,983,091.67.

C-2 Approve Minutes (CLK)

The minutes of November 6, 2012 (Shirtsleeve Session), November 7, 2012 (Regular Meeting), and November 13, 2012 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Pumping Equipment Replacement and Improvements at Well No. 19 (PW)

Approved the plans and specifications and authorized advertisement for bids for pumping equipment replacement and improvements at Well No. 19.

C-4 Accept Improvements Under Contract for 2012 Streets Crack Sealing Project (PW)

Accepted the improvements under contract for 2012 Streets Crack Sealing Project.

C-5 Accept Improvements Under Contract for 2012 Alley Reconstruction Project (PW)

Accepted the improvements under contract for 2012 Alley Reconstruction Project.

C-6 Adopt Resolution Accepting Improvements Under Contract for Hutchins Street Reconstruction Project and Appropriating Funds (\$186,722) (PW)

Adopted Resolution No. 2012-179 accepting improvements under contract for Hutchins Street Reconstruction Project and appropriating funds in the amount of \$186,722.

C-7 Adopt Resolution Accepting Improvements Under Contract for 2012 Disabled Access Improvements, Various Locations, and Appropriating Funds (\$48,001) (PW)

Adopted Resolution No. 2012-180 accepting improvements under contract for 2012 Disabled Access Improvements, Various Locations, and appropriating funds in the amount of \$48,001.

C-8 Adopt Resolutions Authorizing the City Manager to Execute Third Amendment to Woodbridge Irrigation District Water Purchase Agreement and Lease Agreement for Assessor Parcel No. 015-160-16 (PW)

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

In response to Mayor Pro Tempore Nakanishi, Mr. Bartlam confirmed that the proposed amendment extends the amount of time to utilize the purchased water, the amendment is necessary to facilitate operations at the new water treatment plant, and there are no further amendments pending.

In response to Mayor Mounce, Mr. Bartlam stated staff was aware that this amendment would be necessary.

In response to Council Member Katzakian, Public Works Director Wally Sandelin confirmed that the State issued the permit for the new water treatment plant to operate and discharge water and the intent is to use between seven and eight acre feet per year instead of six.

Mayor Pro Tempore Nakanishi made a motion, second by Council Member Katzakian, to adopt Resolution No. 2012-186 authorizing the City Manager to execute Third Amendment to Woodbridge Irrigation District Water Purchase Agreement and Resolution No. 2012-187 authorizing the City Manager to execute Lease Agreement for Assessor Parcel No. 015-160-16.

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-9 Adopt Resolution Authorizing the City Manager to Execute Amendment No. 1 of the Professional Services Agreement with ICR Refrigeration, Inc., of Lodi, for Citywide Heating, Ventilation, and Air Conditioning Maintenance Services on City Facilities (\$70,000) (PW)

Adopted Resolution No. 2012-181 authorizing the City Manager to execute Amendment No. 1 of the Professional Services Agreement with ICR Refrigeration, Inc., of Lodi, for Citywide heating, ventilation, and air conditioning maintenance services on City facilities in the amount of \$70,000.

C-10 Adopt Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Environmental Systems Research Institute, Inc., of Redlands, for Geographical Information System Services and Appropriating Funds (\$72,000) (EUD)

Adopted Resolution No. 2012-182 authorizing the City Manager to execute a Professional Services Agreement with Environmental Systems Research Institute, Inc., of Redlands, for geographical information system services and appropriating funds in the amount of \$72,000.

C-11 Adopt Resolution Authorizing the City Manager to Execute Contract with Diede Construction, Inc., of Woodbridge, for Directional Boring and Conduit Installation (\$300,000) (EUD)

Adopted Resolution No. 2012-183 authorizing the City Manager to execute contract with Diede Construction, Inc., of Woodbridge, for directional boring and conduit installation in the amount of \$300,000.

C-12 Authorize the City Manager to Enter into Consent for Assignment Agreement with Co-Occupational Medical Partners for Annual Department of Transportation Physicals for the Fire Department (FD)

Authorized the City Manager to enter into Consent for Assignment Agreement with Co-Occupational Medical Partners for annual Department of Transportation physicals for the Fire Department.

C-13 Adopt Resolution Authorizing the Chief of Police to Enter into an Agreement with the City of Stockton to Participate in the Community Corrections Task Force, Accepting AB 109 Funding for One Additional Police Officer Position, and Appropriating Funds (\$161,334) (PD)

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

In response to Council Member Hansen, Police Chief Mark Helms provided a brief overview of the proposed agreement to participate in the Community Corrections Task Force as set forth in

the staff report.

In response to Mayor Pro Tempore Nakanishi, Chief Helms stated the total amount to be received by the County is approximately \$15 million and while there is no guarantee of funding for the future, the funding for the next year will remain the same.

Council Member Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2012-188 authorizing the Chief of Police to enter into an agreement with the City of Stockton to participate in the Community Corrections Task Force, accepting AB 109 funding for one additional Police Officer position, and appropriating funds in the amount of \$161,334.

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-14 Adopt Resolution Authorizing the Lodi Police Department to Participate in a Selective Traffic Enforcement Program Grant Funded by the Office of Traffic Safety and Appropriating Funds (\$18,326) (PD)

Adopted Resolution No. 2012-184 authorizing the Lodi Police Department to participate in a Selective Traffic Enforcement Program Grant funded by the Office of Traffic Safety and appropriating funds in the amount of \$18,326.

C-15 Adopt Resolution Ratifying Employment Agreement Entered into Between the City of Lodi and Jeffrey L. Hood (CM)

This item was pulled for a separate vote by Mayor Mounce based on her opposition to the severance clause consistent with her prior actions on similar employment agreements.

Council Member Johnson made a motion, second by Council Member Katzakian, to adopt Resolution No. 2012-189 ratifying Employment Agreement entered into between the City of Lodi and Jeffrey L. Hood.

VOTE:

The above motion carried by the following vote:

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

Noes: Mayor Mounce

Absent: None

C-16 Adopt Resolution Approving CalPERS Employer Paid Member Contributions (CM)

Adopted Resolution No. 2012-185 approving CalPERS employer paid member contributions.

C-17 Set Public Hearing for December 19, 2012, to Consider Adopting Resolution Setting Pre-Approved Engineering News Record Adjustment Index for Usage-Based and Flat Water Rates (PW)

Set public hearing for December 19, 2012, to consider adopting resolution setting pre-approved Engineering News Record adjustment index for usage-based and flat water rates.

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 Hansen provided a brief report regarding his attendance at the San Joaquin Delta College Board of Trustees meeting, the history of the proposed campus in Lodi, the status of the funding for the Lodi campus which is now \$10 million versus \$15 million due to the \$5 million diversion to the planetarium, and the overall intent of the voters who passed Proposition L to ensure a Delta College presence in Lodi.

Mayor Pro Tempore Nakanishi congratulated Mayor Mounce and Council Member Johnson on their reelection to the City Council.

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

City Manager Bartlam wished everyone a Happy Thanksgiving.

G. Public Hearings

G-1 Public Hearing to Consider Unmet Transit Needs in Lodi (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 unmet transit needs in Lodi.

Public Works Director Wally Sandelin provided a brief overview of the status and process associated with conducting the public hearing for unmet transit needs as outlined in the staff report.

Mayor Mounce opened the public hearing.

Cliff Weaver spoke in regard to his concerns about poor customer service from transit staff and punctuality of the system.

Mayor Mounce closed the public hearing after receiving no further public comments.

In response to Mayor Pro Tempore Nakanishi, Mr. Sandelin stated the only complaint consistently received is that from Mr. Weaver and routine checks confirm that the system is operating pursuant to federal standards and guidelines.

In response to Mayor Mounce, City Attorney Schwabauer stated the City cannot be held liable under HIPPA but he will research Mr. Weaver's comment regarding unauthorized release of medical information.

In response to Mayor Mounce, Mr. Sandelin stated ghost riders do ride the transit system from time to time to ensure compliance with all laws and he will share information regarding timing rosters and ghost riders with the City Council as requested.

Mayor Pro Tempore Nakanishi suggested a letter regarding sensitivity issues for riders be sent to operators as a means to improve customer service.

G-2 Public Hearing to Consider Adopting Resolution Confirming the 2013 Annual Report and Levy of Assessments within the Lodi Tourism Business Improvement District (CM)

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 confirming the 2013 Annual Report and levy of assessments within the Lodi Tourism Business Improvement District.

City Manager Bartlam provided a brief overview of the proposed public hearing, acceptance of the annual report, and the assessment levy as set forth in the staff report.

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. 2012-190 confirming the 2013 Annual Report and levy of assessments within the Lodi Tourism Business Improvement District.

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

H. Communications

H-1 Monthly Protocol Account Report (CLK)

Council Member Johnson made a motion, second by Council Member Hansen, to approve the cumulative Monthly Protocol Account Report through October 31, 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 - None

J. Ordinances

J-1 Adopt Ordinance No. 1866 Entitled, "An Ordinance of the City Council of the City Lodi Authorizing an Amendment to the Contract Between the City Council of the City of Lodi and the Board of Administration of the California Public Employees' Retirement System" (CLK)

Council Member Johnson made a motion, second by Council Member Katzakian, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1866 entitled, "An Ordinance of the City Council of the City Lodi Authorizing an Amendment to the Contract Between the City Council of the City of Lodi and the Board of Administration of the California Public Employees' Retirement System," which was introduced at a special meeting of the Lodi City Council held October 30, 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 the City Council, the meeting was adjourned at 8:00 p.m., in memory of Patricia J. Corlett and Gordon "Gorrie" Herr.

ATTEST:

Randi Johl
City Clerk