

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, FEBRUARY 20, 2013**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of February 20, 2013, was called to order by Mayor Nakanishi at 6:35 p.m.

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

Absent: Council Member Johnson

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

C-2 Announcement of Closed Session

- a) Conference with Dean Gualco, Human Resources Manager, and Rad Bartlam, City Manager (Labor Negotiators), Regarding Unrepresented Executive Management Electric Utility Director, Lodi City Mid-Management Association, AFSCME General Services, and International Brotherhood of Electrical Workers Regarding Electric Utility Pay and Benefits Pursuant to Government Code §54957.6

C-3 Adjourn to Closed Session

At 6:35 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:45 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Nakanishi reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following action.

Item C-2 (a) was discussion only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of February 20, 2013, was called to order by Mayor Nakanishi at 7:00 p.m.

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

Absent: Council Member Johnson

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

B. Presentations

- B-1 Presentation to Participants in the Smart Valley Places Community Leadership Institute (CD)

Joseph Wood, Neighborhood Services Manager, provided introductory comments and introduced LaCresia Hawkins who coordinated the Smart Valley Places Community Leadership Institute, after which Mayor Nakanishi presented Certificates of Recognition to the following participants: Shanelle Brady, Diana Curry, Pam DeAngelis, Maggie De La Cruz, Monique Jacobo, Raoul

Lievanos, Francisco Trujillo, Karina Trujillo, Jonathan Vickery, and Denell Ware.

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

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

Noes: None

Absent: Council Member Johnson

C-1 Receive Register of Claims in the Amount of \$1,932,519.28 (FIN)

Claims were approved in the amount of \$1,932,519.28.

C-2 Approve Minutes (CLK)

The minutes of February 5, 2013 (Shirtsleeve Session), February 5, 2013 (Special Meeting), February 6, 2013 (Regular Meeting), and February 12, 2013 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Western and Southern Plume Monitoring Well Construction Project (PW)

Approved the plans and specifications and authorized advertisement for bids for Western and Southern Plume Monitoring Well Construction Project.

C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Hutchins Street Square Kirst Hall Heating, Ventilation, and Air Conditioning Replacement Project (PW)

Approved the plans and specifications and authorized advertisement for bids for Hutchins Street Square Kirst Hall Heating, Ventilation, and Air Conditioning Replacement Project.

C-5 Adopt Resolution Approving Purchase Order for Portable Bus/Equipment Lifts with Stertil-Koni, of Stevensville, MD (\$85,714) (PW)

Adopted Resolution No. 2013-12 approving the Purchase Order for portable bus/equipment lifts with Stertil-Koni, of Stevensville, MD, in the amount of \$85,714.

C-6 Adopt Resolution Authorizing the City Manager to Execute Contract for City Hall Annex Phase 1 Demolition and Abatement Project with Allied Environmental, Inc., of Cameron Park (\$96,810) (PW)

Adopted Resolution No. 2013-13 authorizing the City Manager to execute contract for City Hall Annex Phase 1 Demolition and Abatement Project with Allied Environmental, Inc., of Cameron Park, in the amount of \$96,810.

C-7 Adopt Resolution Authorizing the City Manager to Execute Contract for Well 19 Improvements with Layne Christensen, of Woodland (\$90,864), and Appropriating Funds

(\$100,000) (PW)

Adopted Resolution No. 2013-14 authorizing the City Manager to execute contract for Well 19 improvements with Layne Christensen, of Woodland, in the amount of \$90,864, and appropriating funds in the amount of \$100,000.

C-8 Adopt Resolution Authorizing the City Manager to Execute Agreements with the Following Entities for the Water Meter Program Phase 3 Project and Appropriating Funds (\$3,108,760): a) Knife River Construction, of Stockton, for Construction (\$2,842,760); b) Task Order No. 5 with RMC Water and Environment, of Walnut Creek, for Engineering Services (\$36,000); and c) Neil O. Anderson and Associates, of Lodi, for Construction Testing and Inspection Services (\$300,000) (PW)

This item was pulled, discussed, and acted upon under Item I-3.

C-9 Adopt Resolution Authorizing the City Manager to Execute Agreement with USA Waste of California, dba Central Valley Waste Services, for Purchase of Compressed Natural Gas at Municipal Service Center Fueling Station (PW)

Adopted Resolution No. 2013-15 authorizing the City Manager to execute agreement with USA Waste of California, dba Central Valley Waste Services, for purchase of compressed natural gas at Municipal Service Center fueling station.

C-10 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreements for Geographical Information System Consulting Services with Interwest Consulting Group, of Elk Grove (\$30,000), and Websoft Developers Inc., of Davis (\$42,500) (PW)

Adopted Resolution No. 2013-16 authorizing the City Manager to execute Professional Services Agreements for geographical information system consulting services with Interwest Consulting Group, of Elk Grove, in the amount of \$30,000, and Websoft Developers Inc., of Davis, in the amount of \$42,500.

C-11 Adopt Resolution Authorizing the City Manager to Execute Agreement with San Joaquin County for Transportation of Lodi City Jail Inmates to the Stockton Courthouse (PD)

Adopted Resolution No. 2013-17 authorizing the City Manager to execute agreement with San Joaquin County for transportation of Lodi City jail inmates to the Stockton courthouse.

C-12 Adopt Resolution Approving the Abandonment of Public Utility Easements at 610 Through 638 South Guild Avenue (APNs 049-310-65 Through 72) (PW)

Adopted Resolution No. 2013-18 approving the abandonment of public utility easements at 610 through 638 South Guild Avenue (APNs 049-310-65 through 72).

C-13 Adopt Resolution Approving Submittal of Grant Documents to Caltrans for Proposition 1B Transit Program Funds (PW)

Adopted Resolution No. 2013-19 approving submittal of grant documents to Caltrans for Proposition 1B Transit Program funds.

C-14 Adopt Resolution in Support of the Enterprise Zone Program (CD)

Adopted Resolution No. 2013-20 in support of the Enterprise Zone Program.

C-15 Rescind Resolution 2011-143 and Adopt Resolution Authorizing Issuance of Procurement Cards to Specified Positions (CM)

Rescinded Resolution 2011-143 and adopted Resolution No. 2013-21 authorizing issuance of procurement cards to specified positions.

C-16 Adopt Resolution Approving Salary Adjustments for the Positions of Electric Utility Director, Electric Operations Superintendent, Rates and Resources Manager, Manager of Engineering and Operations, and Senior Power Engineer (CM)

Adopted Resolution No. 2013-22 approving salary adjustments for the positions of Electric Utility Director, Electric Operations Superintendent, Rates and Resources Manager, Manager of Engineering and Operations, and Senior Power Engineer.

C-17 Set Public Hearing for March 6, 2013, to Consider the Appeal of California Citizens for the Equal Application of the Law Regarding the Planning Commission's Decision to Approve a Use Permit to Operate a Fitness Facility at 1320 West Lockeford Street (APN 035-340-09 - Use Permit No. 12-U-19) (CLK)

Set public hearing for March 6, 2013, to consider the appeal of California Citizens for the Equal Application of the Law regarding the Planning Commission's decision to approve a Use Permit to operate a fitness facility at 1320 West Lockeford Street (APN 035-340-09 - Use Permit No. 12-U-19).

C-18 Set Public Hearing for March 20, 2013, to Consider Adopting Resolution Approving Contractual Consumer Price Index Based Annual Adjustment to Rates for Solid Waste Collection (PW)

Set public hearing for March 20, 2013, to consider adopting resolution approving contractual Consumer Price Index based annual adjustment to rates for solid waste collection.

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. Public comment may only be made on matters within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3I). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

The following individuals spoke in support of keeping Camp Hutchins open and urged Lodi Health and the City of Lodi to work with the interested parents toward the same: Gina Rodriguez, Suzann Limb, and Christina Short.

Jane Lea spoke in opposition to the City subsidizing childcare at the taxpayers' expense and urged the City to rent the space at market value and retrieve costs for operating Camp Hutchins.

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

Council Member Hansen reported on his attendance at the San Joaquin Council of Governments meeting and the upcoming groundbreaking for the freeway improvement near the Port of Stockton. Mr. Hansen also thanked the volunteers who assisted with the Zupo Field fence.

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

In response to Mayor Nakanishi, Mr. Bartlam stated he will provide an update to the City Council regarding Camp Hutchins when he has heard back from the hospital with respect to what it plans to do in the future with the Camp Hutchins program.

G. Public Hearings - None

H. Communications - None

I. Regular Calendar

I-1 Adopt Resolution Approving Fiscal Year 2012/13 Mid-Year Budget Adjustments (CM)

Deputy City Manager Jordan Ayers provided a PowerPoint presentation regarding the fiscal year 2012/13 mid-year budget adjustments. Specific topics of discussion included the General Fund, departmental variances, Parks, Recreation and Cultural Services, water and wastewater utility funds, electric utility funds, Community Development, self-insurance, Library, streets and transit funds, and recommended adjustments.

In response to Council Member Mounce, Mr. Ayers stated it is anticipated that the CalPers rates will be two to three percentage points higher in the 2013/14 budget cycle and even higher in subsequent years although the exact amount is unknown.

In response to Council Member Mounce, Mr. Ayers stated the non-departmental debt service cost was reduced as a result of the refinancing and the savings was used to fund Fire Station No. 2 through capital outlay. Mr. Ayers stated the approximate dollar value is \$714,000 and is detailed in the Council Communication.

In response to Council Member Hansen, Mr. Ayers stated catastrophic reserve funds are used for emergencies declared by the City Council such as an unexpected earthquake while economic reserve funds are available through City Council designation for any purposes deemed necessary by the City Council.

In response to Mayor Pro Tempore Katzakian, Mr. Bartlam stated that, while the City has met its initial reserve goal, he is confident that the City was likely in the lower end of the reserve amount for communities throughout the State and all reserve amounts may need to be reviewed in the future to ensure adequacy.

In response to Mayor Nakanishi, Mr. Ayers confirmed that the City's combined unfunded liability for both the miscellaneous and public safety groups is approximately \$50 million and the City is currently paying approximately \$7 million per year.

In response to Council Member Hansen, Mr. Bartlam stated the CalPers rates have continued to rise since 1999.

In response to Council Member Mounce, Parks, Recreation and Cultural Services Director Jeff Hood stated the life expectancy of the Grape Bowl turf is approximately 15 years and the portion that will need to be replaced will cost approximately \$600,000. Mr. Hood stated he is confident that sufficient funds are being placed in the set-aside fund for the Grape Bowl turf replacement.

In response to Council Member Hansen, Mr. Hood confirmed that there are several maintenance issues in Parks, Recreation and Cultural Services that will need to be addressed in the future.

In response to Mayor Nakanishi, Mr. Ayers stated future capital improvements to the City's sewer lines are accounted for in the utility rate models.

In response to Council Member Hansen, Electric Utility Director Elizabeth Kirkley stated the lower electrical generation is also attributable to conservation and solar use by residential and commercial users. Ms. Kirkley stated she will provide the relevant information regarding the number of residential and commercial solar users in the City as requested.

In response to Mayor Pro Tempore Katzakian, Public Works Director Wally Sandelin stated the City will likely be receiving the draft wastewater permit in April and staff is not anticipating any significant changes from the current permit.

Council Member Mounce made a motion, second by Mayor Pro Tempore Katzakian, to adopt Resolution No. 2013-23 approving fiscal year 2012/13 mid-year budget adjustments.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Johnson

I-2 Introduce Ordinance Amending Lodi Municipal Code Chapter 12.12 - Parks - by Repealing and Reenacting Section 12.12.420, "Skate Park Regulations," in Its Entirety (PRCS)

Parks, Recreation and Cultural Services Director Jeff Hood provided a brief overview of the proposed ordinance changes to the skate park ordinance as outlined in the staff report, stating that minors under the age of 11 will need to be accompanied by a guardian in the future to utilize the park.

In response to Council Member Hansen, Mr. Hood stated the new part-time police officer will be assisting with the City's parks and will be keeping an eye on the skate park as well to ensure minors are properly accompanied by guardians and signage will also be posted. Mr. Hood stated the previous issues with the skate park including litter appear to be less challenging than before due to an increased presence of parents and higher user responsibility.

In response to Mayor Nakanishi, City Attorney Steve Schwabauer confirmed that the City has not received any claims on the existing park and State legislation provides some limited immunities for skate parks.

Council Member Hansen made a motion, second by Mayor Nakanishi, to introduce Ordinance No. 1871 amending Lodi Municipal Code Chapter 12.12 - Parks - by repealing and reenacting Section 12.12.420, "Skate Park Regulations," in its entirety.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Johnson

I-3 Consider Adopting Resolution Rejecting All Bids, Approving Plans and Specifications and Authorizing Re-Advertisement for Bids for Water Meter Program Phase 3 Project or

Adopting Resolution Authorizing City Manager to Execute Agreements with the Following Entities for the Water Meter Program Phase 3 Project and Appropriating Funds (\$3,108,760): a) Knife River Construction, of Stockton, for Construction (\$2,842,760); b) Task Order No. 5 with RMC Water and Environment, of Walnut Creek, for Engineering Services (\$36,000); c) Neil O. Anderson and Associates, of Lodi, for Construction Testing and Inspection Services (\$300,000) (PW)

Public Works Director Wally Sandelin provided a brief overview of the item, stating that staff recommends rejecting and rebidding the Water Meter Program Phase 3 Project based upon a protest received from Teichert Construction citing bid irregularities.

In response to Mayor Pro Tempore Katzakian, City Attorney Schwabauer briefly reviewed potential litigation possibilities, stating rebidding is the conservative approach since Public Works has indicated that the project time line will not be affected. Mr. Schwabauer confirmed that the bids are public record once opened and the appropriate protest was filed.

Council Member Mounce made a motion, second by Council Member Hansen, to adopt Resolution No. 2013-24 rejecting all bids, approving plans and specifications and authorizing re-advertisement for bids for Water Meter Program Phase 3 Project.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Johnson

J. Ordinances

J-1 Adopt Ordinance No. 1869 Entitled, "An Ordinance of the City Council of the City of Lodi Repealing Lodi Municipal Code Title 16 - Subdivisions - in Its Entirety; and Further Repealing and Reenacting Lodi Municipal Code Title 17 - Zoning - in Its Entirety" (CLK)

Council Member Mounce made a motion, second by Mayor Pro Tempore Katzakian, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1869 entitled, "An Ordinance of the City Council of the City of Lodi Repealing Lodi Municipal Code Title 16 - Subdivisions - in Its Entirety; and Further Repealing and Reenacting Lodi Municipal Code Title 17 - Zoning - in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held February 6, 2013.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Johnson

J-2 Adopt Ordinance No. 1870 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.08 - Water Service - by Repealing and Reenacting Section 13.08.130, 'Oversized Mains'; Amending Chapter 13.12 - Sewer Service - by Repealing and Reenacting Section 13.12.180, 'Domestic System Service Charges'; Adding Section 13.12.181, 'Domestic Sewer Service Charges (Metered Accounts)'; and Repealing and Reenacting Section 13.12.190, 'Domestic System Capacity Or Impact Fees'; Repealing and Reenacting Section 13.12.370, 'Reimbursement - Oversize Mains'; Repealing and

Reenacting Chapter 15.64 - Development Impact Mitigation Fees in Its Entirety; Amending Chapter 16.24 - Improvements - by Repealing and Reenacting Section 16.24.040, 'Streets'; and Further Amending Chapter 16.40 - Reimbursements for Construction - by Repealing and Reenacting Sections 16.40.010, 'Findings and Purpose,' and 16.40.020, 'Improvements to be Reimbursed'" (CLK)

Council Member Mounce made a motion, second by Mayor Pro Tempore Katzakian, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1870 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.08 - Water Service - by Repealing and Reenacting Section 13.08.130, 'Oversized Mains'; Amending Chapter 13.12 - Sewer Service - by Repealing and Reenacting Section 13.12.180, 'Domestic System Service Charges'; Adding Section 13.12.181, 'Domestic Sewer Service Charges (Metered Accounts)'; and Repealing and Reenacting Section 13.12.190, 'Domestic System Capacity Or Impact Fees'; Repealing and Reenacting Section 13.12.370, 'Reimbursement - Oversize Mains'; Repealing and Reenacting Chapter 15.64 - Development Impact Mitigation Fees in Its Entirety; Amending Chapter 16.24 - Improvements - by Repealing and Reenacting Section 16.24.040, 'Streets'; and Further Amending Chapter 16.40 - Reimbursements for Construction - by Repealing and Reenacting Sections 16.40.010, 'Findings and Purpose,' and 16.40.020, 'Improvements to be Reimbursed,'" which was introduced at a regular meeting of the Lodi City Council held February 6, 2013.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Johnson

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:30 p.m.

ATTEST:

Randi Johl  
City Clerk