

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 15, 2013**

- 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 May 15, 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 Water Awareness Month / Delta Appreciation Week Proclamation (CLK)

Mayor Nakanishi presented proclamation to Public Works' Watershed Coordinator Kathy Grant and Stockton City Council Member Kathy Miller proclaiming the month of May 2013 as "Water Awareness Month" and the week of May 19 - 25, 2013, as "Delta Appreciation Week" in the City of Lodi.

B-2 National Public Works Week Proclamation (PW)

Mayor Nakanishi presented proclamation to Chris Boyer, Assistant Engineer, proclaiming the week of May 19 - 25, 2013, as "National Public Works Week" in Lodi.

B-3 Presentation of Certificates of Recognition to Graduates of the Teen Lead Program (PRCS)

Following comments by Teen Lead participants, Daniel Anaforian and Josh Baumbach, Mayor Nakanishi presented Certificates of Recognition to the following graduates of the Teen Lead Program: Adam Andrews, Alexa Abdallah, Lauren Youngsma, Anthony Sorbera, Amanda Campbell, Anahi Cervantes, Mireya Esparza, Tracy Spencer, Kayla Gee, Kayla Bender, Kayla Ochoa, Daniel Anaforian, Josh Baumbach, Andrew Moton, Blake Shimke, Claire Rehmke, Jessica Lombana, Kelly Ducato, Matthew Schindler, Mckenzie Miller, and Vanessa Contreras.

B-4 Presentation of Firefighter of the Year 2012 Plaque to Fire Engineer Mike Alegre (FD)

Fire Chief Larry Rooney presented the Firefighter of the Year 2012 plaque to Fire Engineer Mike Alegre.

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 \$2,574,363.73 (FIN)

Claims were approved in the amount of \$2,574,363.73.

C-2 Approve Minutes (CLK)

The minutes of April 30, 2013 (Shirtsleeve Session), May 1, 2013 (Regular Meeting), May 7, 2013 (Shirtsleeve Session), and May 7, 2013 (Special Joint Meeting w/Lodi Arts Commission) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Fiscal Year 2013/14 Annual Tree Trimming Contract for Power Line Clearing (EUD)

Approved the plans and specifications and authorized advertisement for bids for fiscal year 2013/14 annual tree trimming contract for power line clearing.

C-4 Approve Specifications and Authorize Advertisement for Bids for 2013-2015 Standby Generator Maintenance and Repair Contract (PW)

This item was pulled by a member of the public - John Slaughterback.

John Slaughterback spoke in regard to his concern about performing the work with in-house staff versus contracting out for a cost savings.

In response to Council Member Mounce and Mayor Nakanishi, City Manager Bartlam stated the work to be performed is specialized and the City does not currently have qualified full-time staff to do the suggested work. Council Member Mounce suggested a cost analysis for staffing be provided when the item comes back for Council consideration.

Council Member Mounce made a motion, second by Council Member Hansen, to approve the specifications and authorize advertisement for bids for 2013-2015 Standby Generator Maintenance and Repair Contract.

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-5 Adopt Resolution Authorizing the Non-Competitive Purchase of Musco Sports Lighting Components and Installation to Musco Lighting, of Oskaloosa, Iowa, for the Kofu Park Sports Lighting Upgrade and Appropriating Funds (\$33,577.04) (PRCS)

Adopted Resolution No. 2013-86 authorizing the non-competitive purchase of Musco sports lighting components and installation to Musco Lighting, of Oskaloosa, Iowa, for the Kofu Park sports lighting upgrade and appropriating funds in the amount of \$33,577.04.

C-6 Adopt Resolution Authorizing Sole Source Procurement of Electric Vehicle Charging Stations from ClipperCreek, Inc., of Auburn, and Appropriating Public Benefit Program Funds (Not to Exceed \$10,000) (EUD)

Adopted Resolution No. 2013-87 authorizing sole source procurement of electric vehicle charging stations from ClipperCreek, Inc., of Auburn, and appropriating Public Benefit Program funds in an amount not to exceed \$10,000.

C-7 Adopt Resolution Authorizing the City Manager to Extend the Term of the Contract with Matthew Foskett Consulting, LLC for Electric Utility Rates and Resources Services (EUD)

Adopted Resolution No. 2013-88 authorizing the City Manager to extend the term of the contract with Matthew Foskett Consulting, LLC for Electric Utility rates and resources services.

C-8 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement with VetSource Mobility, of Clarksville, Tennessee, for Purchase and Installation of 15 Mobile Data Computers (\$83,670) (PD)

Adopted Resolution No. 2013-89 authorizing the City Manager to execute Professional Services Agreement with VetSource Mobility, of Clarksville, Tennessee, for purchase and installation of 15 mobile data computers.

C-9 Receive Report on Resolution of Public Works Emergency Requiring the Immediate Repair of Blakely Pool Circulation System (PRCS)

Received report on resolution of Public Works emergency requiring the immediate repair of Blakely Pool circulation system.

C-10 Adopt Resolution Approving Partial Funding of Other Post-Employment Benefits Liability and Appropriating Funds (\$698,000) (CM)

This item was pulled by a member of the public - John Slaughterback.

John Slaughterback spoke in regard to his concerns about the rising cost of retirement benefits for public employees.

In response to Council Member Mounce, City Manager Bartlam confirmed that the conversion benefit resulting in the unfunded liability is no longer being offered by the City for retirees.

A brief discussion ensued between Council Member Mounce, Mayor Pro Tempore Katzakian, and Mr. Bartlam regarding the ability to use the funding to offset the liability, other uses for the funding and the options associated with fully funding the liability, partially funding the liability as recommended, or keeping the status quo with pay as you go.

In response to Council Member Hansen, Mr. Bartlam stated the auditors and rating agencies are cognizant of the City's liability for post-employment benefits, the auditors did make a comment regarding the same, and partially funding the liability illustrates the City's willingness to fund the liability.

In response to Mayor Pro Tempore Katzakian, Mr. Bartlam stated the overall figure of the unfunded liability is approximately \$3 million, rating agencies will look favorably on a partial funding of that amount, and the funding would be held separately from the General Fund reserve.

In response to Mayor Nakanishi, Mr. Bartlam stated the money will be held locally, not through a trust, and will be accessible in the need of an emergency as found by the City Council.

In response to Council Member Hansen, Mr. Bartlam stated in the ideal world the goal would be to have one year's worth of payments for the liability for security purposes.

Council Member Hansen made a motion, second by Council Member Mounce, to adopt a resolution approving partial funding of Other Post-Employment Benefits liability and appropriating funds in the amount of \$698,000.

VOTE:

The above motion failed by the following vote:

Ayes: Council Member Hansen, and Council Member Mounce

Noes: Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Absent: Council Member Johnson

C-11 Adopt Resolution Ratifying the San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2013/14 (PW)

Adopted Resolution No. 2013-90 ratifying the San Joaquin Council of Governments' Annual Financial Plan for fiscal year 2013/14.

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.

None.

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

Mayor Pro Tempore Katzakian inquired as to the status of the Grape Bowl and Lodi Shopping Center projects. Parks, Recreation and Cultural Services Director Jeff Hood stated the Grape Bowl project is approximately one month away from completion. Mr. Bartlam stated the Lodi Shopping Center easements for utilities are almost complete, three buildings are under construction at Reynolds Ranch currently, and the Phase III application has been submitted.

Council Member Hansen commended UCCE Master Gardeners for its work and suggested public recognition at a future City Council meeting.

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

None.

G. Public Hearings

G-1 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 Nakanishi 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.

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

In response to Mayor Pro Tempore Katzakian, Mr. Sandelin stated he does not anticipate any major capital expenditures resulting from the permit that the City hopes to receive in June, which will be good for five years from the date of approval.

In response to Council Member Hansen, Mr. Sandelin stated the primary exposure for project expenditure in the future remains the proximity and sensitivity of the Delta.

In response to Mayor Nakanishi, Mr. Sandelin confirmed the 2.5% percentage increase for all homes regardless of the number of bedrooms.

Mayor Nakanishi opened the public hearing to receive public comment.

John Slaughterback spoke in regard to his concerns about developer impact fees and new development paying its fair share for new infrastructure.

Mayor Nakanishi closed the public hearing after receiving no additional public comment.

In response to Council Member Mounce, Mr. Bartlam stated the developer impact fee ordinance can come back to the City Council at any time upon request.

In response to Council Member Hansen, Mr. Sandelin stated that the impact of not approving the recommended action is deferment of the infrastructure replacement program should the funds run low.

In response to Mayor Pro Tempore Katzakian, City Attorney Schwabauer stated development impact fees for existing facilities cannot be charged for system redundancy. Mr. Sandelin provided a brief overview of the amount of new development, its impacts on the system, and the \$40 million expenditure for the plant expansion.

Council Member Mounce stated she would like to postpone the item to review options to mitigate the rate increase.

Council Member Hansen made a motion, second by Mayor Pro Tempore Katzakian, to adopt Resolution No. 2013-91 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, Mayor Pro Tempore Katzakian, and Mayor Nakanishi

Noes: Council Member Mounce

Absent: Council Member Johnson

G-2 Public Hearing to Consider Introducing Ordinance Revising the Growth Management Ordinance by Expiring Unused Allocations and Suspending the Required Schedule (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 Nakanishi called for the public hearing to consider introducing ordinance revising the Growth Management ordinance by expiring unused allocations and suspending the required schedule.

City Manager Rad Bartlam provided a brief overview of the proposed revisions to the Growth Management ordinance as set forth in the staff report.

Mayor Nakanishi opened the public hearing to receive public comment.

John Beckman, representing the Building Industry Association, spoke in favor of the proposed staff recommendation.

Mayor Nakanishi closed the public hearing after receiving no further public comment.

Council Member Hansen made a motion, second by Council Member Mounce, to introduce Ordinance No. 1877 revising the Growth Management ordinance by expiring unused allocations and suspending the required schedule.

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

H. Communications

H-1 Appointment to the Lodi Arts Commission (CLK)

Council Member Mounce made a motion, second by Mayor Pro Tempore Katzakian, to make the following appointment:

Lodi Arts Commission

Tiffani Fink, term to expire July 1, 2016

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

H-2 Monthly Protocol Account Report (CLK)

Council Member Mounce made a motion, second by Mayor Pro Tempore Katzakian, to accept the cumulative Monthly Protocol Account Report through April 30, 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

I. Regular Calendar - None

J. Ordinances

J-1 Adopt Ordinance No. 1876 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20 - Electrical Service - by Adding Section 13.20.330, "Schedule IE - Industrial Equipment Pilot Charging Service Rate" (CLK)

Council Member Hansen 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. 1876 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20 - Electrical Service - by Adding Section 13.20.330, 'Schedule IE - Industrial Equipment Pilot Charging Service Rate,'" which was introduced at a regular meeting of the Lodi City Council held May 1, 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