

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 4, 2008**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of June 4, 2008, was called to order by Mayor Pro Tempore Hansen at 6:30 p.m.

Present: Council Members – Hansen, Hitchcock, and Katzakian

Absent: Council Members – Johnson and Mayor Mounce

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

C-2 ANNOUNCEMENT OF CLOSED SESSION

a) Actual Litigation: Government Code §54956.9(a); One Case; Garza v. City of Lodi, et al., San Joaquin County Superior Court, Case No. CV026299

b) Actual Litigation: Government Code §54956.9; *Calvin Wadlow v. City of Lodi*; WCAB Case Number STK0189440– 1/30/2003 and 4/18/2003

C-3 ADJOURN TO CLOSED SESSION

At 6:30 p.m., Mayor Pro Tempore Hansen adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:55 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:03 p.m., Mayor Pro Tempore Hansen reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

Item C-2 (a) was discussion only.

In regard to Item C-2 (b), settlement direction was given.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of June 4, 2008, was called to order by Mayor Pro Tempore Hansen at 7:03 p.m.

Present: Council Members – Hansen, Hitchcock, and Katzakian

Absent: Council Members – Johnson and Mayor Mounce

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

B. INVOCATION

The invocation was given by Pastor Bill Cummins, Bear Creek Community Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mounce.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Pro Tempore Hansen presented a proclamation to Sergeant 1st Class Timberlake Pierce, Lodi Recruiting Station Commander, and Captain Noah Jefferson, San Joaquin Recruiting Company Commander, proclaiming the week of June 9 – 15, 2008, as “United States Army Week” in the City of Lodi.

D-2 (b) Mayor Pro Tempore Hansen presented a proclamation to Paul Botello, Lead Equipment Mechanic, proclaiming the week of June 9 – 15, 2008, as “National Automotive Service Professionals Week” in the City of Lodi.

D-3 Presentations – None

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Hitchcock, Katzakian second, approved the following items hereinafter set forth by the vote shown below:

Ayes: Council Members – Hitchcock, Katzakian, Mayor Pro Tempore Hansen

Noes: Council Members – None

Absent: Council Members – Johnson and Mayor Mounce

E-1 Claims were approved in the amount of \$8,177,818.71.

E-2 The minutes of April 16, 2008 (Regular Meeting), May 7, 2008 (Regular Meeting), May 20, 2008 (Shirtsleeve Session), May 27, 2008 (Shirtsleeve Session), and May 28, 2008 (Special Joint Meeting w/Redevelopment Agency) were approved as written.

E-3 Adopted Resolution No. 2008-100 awarding the contract for asphalt materials for fiscal year 2008-09 to Granite Construction Company, of Stockton, in the amount of \$225,198 and as detailed below:

Item A.	2,000 Tons 3/8" Max Medium Type A, PG 64-16	\$76.50
Item B.	1,000 Tons 1/2" Max Medium Type A, PG 64-16	\$72.19

E-4 Adopted Resolution No. 2008-101 awarding the annual contract for curb, gutter, and sidewalk replacement to Popuch Concrete Contracting, of Lodi, in the amount of \$79,055.

E-5 Adopted Resolution No. 2008-102 awarding the purchase of a replacement hydraulic underground cable puller to the lowest responsive bidder, AllQuip Universal, Inc., of West Sacramento, CA, in the amount of \$87,945.14.

E-6 Adopted Resolution No. 2008-103 ratifying the San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2008-09.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Esperanza Ortiz spoke in regard to her taco truck business, located near El Camino Tires, being stopped from operating last Monday by the City due to the lack of parking spaces. She requested her family be allowed to operate the business in the afternoons because it is their livelihood and they have received no complaints from the community. In response to Mayor Pro Tempore Hansen, Ms. Ortiz stated the business had been at the current location for one year and she was present at the Council meeting where mobile food vending was discussed. Mr. King stated staff will research the matter and respond to Ms. Ortiz. Mr. King also stated that the general matter of mobile food vendors may be coming back for Council consideration in light of interpretation concerns of certain provisions in the ordinance.
- Bruce Gallaude, General Manager of the Grape Sox, invited the public and the City Council to the season opener on Friday night. He also thanked staff for their assistance and provided an overview of ticket prices for the various seating options. In response to Mayor Pro Tempore Hansen, Mr. Gallaude stated the Grape Sox is minor league style baseball featuring upcoming talent that may go to the pros. He stated he believed that improvements to the clubhouse and Zupo Field will benefit the area surrounding the Grape Bowl.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Mayor Pro Tempore Hansen reported on his attendance at the San Joaquin County Blue Print meeting at the Lodi Library, stating the matter will come before the City Council for consideration in the future and there is a strong community outreach program in place as well. He also reported on his attendance at the Northern California Power Agency Commission meeting and the San Joaquin Council of Governments meeting where the Board approved the Smart Growth parameters for Measure K renewal for approximately \$60 million for funding to different communities to enhance old neighborhoods and downtowns.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King provided a brief history and update regarding the mobile food vendor ordinance. He specifically discussed ordinance adoption, the basic structure including an operating permit, certain information provided by vendors in the application process, notice provided to vendors, the lack of application initially, operations allowed while pursuing the permit process, several vendors not meeting standards of the ordinance, and the ordinance coming back for Council consideration in light of interpretation concerns. In response to Council Member Hitchcock, Mr. King stated the biggest issue initially was that vendors did not submit applications. He stated he was not aware of any specific denials or the reasons for the same.

I. PUBLIC HEARINGS

None.

J. COMMUNICATIONS

J-1 Claims Filed Against the City of Lodi – None

J-2 Appointments – None

J-3 Miscellaneous – None

K. REGULAR CALENDAR

K-1 “Report on 2008 Lodi Solar Rebate Pilot Project: Implementation of Project, Customer Participation and Solar System Installation Permit Fees”

City Manager King provided a brief introduction to the subject matter of the Lodi Solar Rebate Pilot Program.

Electric Utility Customer Service and Program Manager Rob Lechner provided a PowerPoint presentation regarding the 2008 Lodi Solar Rebate Pilot Project. Specific topics of discussion included an overview of Senate Bill 1, the fiscal year 2009 budget, customer participation, marketing and customer outreach, solar permit fees, the next steps, and program information.

In response to Mayor Pro Tempore Hansen, Mr. Lechner stated staff was confident that some monies would be spent in the first few years, but because of the decrease in the cost of install and materials, the entire funding pot for residential is spoken for.

In response to Mayor Pro Tempore Hansen, Mr. Lechner stated that, if money from one pot is not claimed by November 1, it can be used for the other pot, which is already expended. He stated staff may return to Council to request additional funds over the \$600,000 already dedicated to be put into the residential pot.

In response to Council Member Hitchcock, Mr. Lechner stated the decrease by the year 2015 is based on the hope that the demand for the program itself will drive the labor and materials costs down.

In response to Council Member Hitchcock, Mr. Lechner stated the Council could put a greater amount of money into the program on the front end or change the price per watt as well. He stated staff will continue to watch the commercial side and may come back to Council accordingly.

In response to Council Member Katzakian, Mr. Lechner stated the typical residential size is three to five kilowatt, which is about 50% usage from the sun.

In response to Council Member Katzakian, Mr. Lechner stated the current cost is approximately \$8,000 per watt.

In response to Mayor Pro Tempore Hansen, Mr. Lechner stated another rebate he is aware of is a possible \$2,000 federal tax credit; although, it may have some limitations.

MOTION / VOTE:

There was no Council action taken on this matter.

K-2 “Adopt Resolution Authorizing the City Manager to Allocate Public Benefit Program Funds for Seven Energy Efficiency Rebate or Related Programs for the 2008-09 Fiscal Year (\$440,000)”

Electric Utility Customer Service and Program Manager Rob Lechner provided a PowerPoint presentation regarding the Lodi public benefit programs for seven programs. Specific topics of discussion included an overview, legal requirements, fiscal year 2009 budget, Lodi Appliance Rebate Program, Energy Efficient Home Improvement Rebate Program, commercial rebate programs, commercial/industrial rebate program, municipal energy efficiency and miscellaneous projects, evaluation, measurement and verification project, summary, fine print, and program contact information.

In response to Mayor Pro Tempore Hansen, Mr. Lechner stated anyone can apply for these programs and there are no restrictions based on income. He stated the applicant does have to participate in a systems test to ensure compatibility with the new equipment.

In response to Mayor Pro Tempore Hansen, Mr. Lechner stated the initial response to the program was strong and it has reached some point of saturation, which is an issue all electric utilities are facing. He stated staff continues to advertise and do public outreach.

In response to Council Member Hitchcock, Mr. Lechner stated the approximately \$289,000 difference includes the required assessment, salary, and benefits for two employees, car costs, program administration costs, and overhead.

In response to Mayor Pro Tempore Hansen, Mr. Lechner confirmed that the program is an unfunded State mandate.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Katzakian second, adopted Resolution No. 2008-104 authorizing the City Manager to allocate Public Benefit Program funds for seven energy efficiency rebate or related programs for the 2008-09 fiscal year in an amount not to exceed \$440,000. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Katzakian, Mayor Pro Tempore Hansen

Noes: Council Members – None

Absent: Council Members – Johnson and Mayor Mounce

- K-3 "Adopt Resolution Authorizing the City Manager to Allocate \$82,500 in Public Benefit Program Funds for Five Programs; and Authorize the City Manager to Execute Contracts with Four Different Entities to Assist in Managing These Programs"

Electric Utility Customer Service and Program Manager Rob Lechner provided a PowerPoint presentation regarding the Lodi public benefit programs for five programs. Specific topics of discussion included an overview, Lodi Livingwise Program, Lodi Solar Schoolhouse Project, Online Energy Audit Program, SHARE Customer Verification and Certification Project, Lodi CARE Package Program, fine print, and program contact information.

In response to Mayor Pro Tempore Hansen, Mr. Lechner stated the overall Online Energy Audit Program includes a series of questions regarding energy use patterns, provides an audit report, provides suggestions and tips, and is a good connection with Senate Bill 1.

In response to Council Member Hitchcock, Mr. Lechner stated there are two different energy audits. He stated one is an online audit and one is a more detailed and personalized audit where an Electric Utility employee physically visits the homeowner at the home and performs an audit.

Council Member Hitchcock and Mayor Pro Tempore Hansen commended Mr. Lechner on the presentation and his efforts with the program. Mayor Pro Tempore Hansen also commended the Salvation Army on its efforts in connection with the same.

Mr. King stated the SHARE and CARE programs also make good business sense because they reduce the costs for collections, turnoffs, and reconnections and encourage payment in cases where some individuals may not have the ability to pay.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Katzakian second, adopted Resolution No. 2008-105 authorizing the City Manager to allocate \$82,500 in Public Benefit Program funds for five programs; and authorized the City Manager to execute contracts with four different entities to assist in managing these programs. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Katzakian, Mayor Pro Tempore Hansen

Noes: Council Members – None

Absent: Council Members – Johnson and Mayor Mounce

L. ORDINANCES

None.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:26 p.m.

ATTEST:

Randi Johl
City Clerk