



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: April 15, 2015

Time: Closed Session 5:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Jennifer M. Ferraiolo
City Clerk

Telephone: (209) 333-6702

6:55 p.m. Invocation/Call to Civic Responsibility. Invocations/Calls may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. These are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the beliefs or views of any speaker.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Conference with Adele Post, Human Resources Manager, and Jordan Ayers, Deputy City Manager (Labor Negotiators), Regarding Lodi City Mid-Management Association, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, and Lodi Professional Firefighters Pursuant to Government Code §54957.6 (CM)
- b) Pending Litigation: Government Code §54956.9(a); One Case; *James Smith v. City of Lodi*, U.S. District Court, Eastern District of California, Case No. 2:14-CV-01318-TLN-AC (CA)
- c) Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation Pursuant to Government Code §§54956.9(d)(2) and 54956.9(e)(1), Two Cases, Shall Not Be Disclosed, Due to Facts and Circumstances Not Yet Known to Potential Plaintiffs (CA)

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll Call

B. Presentations

- B-1 California Safe Digging Month Proclamation (CLK)
- B-2 Earth Day Proclamation (PW)
- B-3 Receive Presentation on Seward Johnson Sculpture Exhibit (PRCS)

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

- C-1 Receive Register of Claims in the Amount of \$2,885,680.25 (FIN)
- C-2 Approve Minutes (CLK)
 - a) March 24 and March 31, 2015 (Shirtsleeve Sessions)
 - b) March 31, 2015 (Special Meeting)
 - c) April 1, 2015 (Regular Meeting)
- C-3 Accept Improvements Under Contract for Wastewater Main Rehabilitation Program, Project No. 6 (PW)

Res. C-4 Adopt Resolution Authorizing City Manager to Execute Change Order No. 3 to the Professional Services Agreement with WMB Architects, of Stockton, for Construction Administration Services for City Hall Annex First Floor Phase 2 Interior Remodel Project (\$71,405) (PW)

C-5 Receive Update on Emergency Condition at White Slough Water Pollution Control Facility Digesters No. 1 and No. 2 (PW)

- C-6 Set Public Hearing for May 6, 2015, to Consider Adoption of the 2015/16 Annual Action Plan for the Community Development Block Grant Program (CD)

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.

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

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

G. Public Hearings

- Res. G-1 Public Hearing to Consider Adopting Resolution to Vacate the 0 Block of East Vine Street Between Union Pacific Railroad and Sacramento Street (PW)

H. Communications – None

I. Regular Calendar

- I-1 Provide Direction to Staff on Request from Reynolds Ranch, Westside, and Southwest Gateway Annexation Projects to Reduce Community Facilities District (CFD) Fees and Reduce Annual CFD Indexing (CM)
- I-2 Provide Direction Regarding Downtown Tree Well Up-Lighting Options and Funding (PW)
- Res. I-3 Adopt Resolution Approving Memorandum of Understanding Between the City of Lodi and the Lodi City Mid-Management Association for the Period January 1, 2015 through December 31, 2017 and Appropriating Funds (\$38,880) (CM)
- Res. I-4 Adopt Resolution Approving Revisions to Compensation and Other Benefits for Confidential Employees for the Period January 1, 2015 through December 31, 2017 and Appropriating Funds (\$13,000) (CM)

J. Ordinances – None

K. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Jennifer M. Ferraiolo
City Clerk

All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 72 hours prior to the meeting date. Language interpreter requests must be received at least 72 hours in advance of the meeting to help ensure availability. Contact Jennifer M. Ferraiolo at (209) 333-6702. Solicitudes de interpretación de idiomas deben ser recibidas por lo menos con 72 horas de anticipación a la reunión para ayudar a asegurar la disponibilidad. Llame a Jennifer M. Ferraiolo (209) 333-6702.

Meetings of the Lodi City Council are telecast on SJTV, Channel 26. The City of Lodi provides live and archived webcasts of regular City Council meetings. The webcasts can be found on the City's website at www.lodi.gov by clicking the meeting webcasts link.



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: California Safe Digging Month Proclamation
MEETING DATE: April 15, 2015
PREPARED BY: City Clerk

RECOMMENDED ACTION: Mayor Johnson present proclamation proclaiming the month of April 2015 as "California Safe Digging Month" in the City of Lodi.

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation proclaiming the month of April 2015 as "California Safe Digging Month" in the City of Lodi. Dylan George, Government Relations Representative for Pacific Gas and Electric, will be at the meeting to accept the proclamation.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jennifer M. Ferraiolo
City Clerk

JMF/PMF

APPROVED: _____
Stephen Schwabauer, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**
TM

AGENDA TITLE: Presentation of Earth Day Proclamation

MEETING DATE: April 15, 2015

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Presentation of Earth Day proclamation.

BACKGROUND INFORMATION: Earth Day began in 1970 to bring about an awareness of environmental issues and foster the need to protect the environment and conserve natural resources. Over the past 45 years, Earth Day has become a world-wide event which continues to build public support for environmental programs.

In Lodi, Earth Day will be celebrated on April 25, 2015 at 1 p.m. with the dedication of the Downtown River-Friendly Demonstration Garden and the Great Blue Heron Bench, at the corner of Walnut Street and School Street.

The garden is a low-maintenance and habitat-friendly open space designed to improve water quality, attract wildlife, and promote watershed stewardship. The garden is meant to demonstrate to the public the seven principles that govern a more sustainable method of gardening versus conventional gardening, while also helping satisfy the National Pollutant Discharge Elimination System permit requirements for public education.

The garden was designed, installed and is tended by the University of California Cooperative Extension (UCCE) San Joaquin County Master Gardener volunteers. The bench was designed and assembled by Wes Horn. The bench's concrete base was built by Jeff and Wally Chase, with tiles made by the public at the Lodi Farmers Market. Signage at the site was donated by the Kirsten Family and the UCCE Master Gardeners.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

Prepared by Kathy Grant- Watershed Program Coordinator
FWS/KCG/eb
Attachment

APPROVED: _____
Stephen Schwabauer, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Receive Presentation on Seward Johnson Sculpture Exhibit

MEETING DATE: April 15, 2015

PREPARED BY: Parks, Recreation, and Cultural Services Director

RECOMMENDED ACTION: Receive presentation on Seward Johnson Sculpture Exhibit

BACKGROUND INFORMATION: Seward Johnson Sculpture Exhibit begins April 15, 2015 through July 15, 2015 in downtown. The exhibit consists of 10 sculptures, including the highly desired “Forever Marilyn” Monroe likeness.

The Johnson sculptures last visited Lodi in 2011 and were a downtown attraction.

Recreation Manager Jennifer Winn, liaison to the Art Advisory Board, will provide the Council an overview of the downtown display. This sculptures were selected by the Art Advisory Board, which selects public art project that are funded by development impact fees and not tax revenue. The funds are restricted to public art projects and not available for other uses.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jeff Hood
Parks, Recreation, and Cultural Services Director

APPROVED: _____
Stephen Schwabauer, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Receive Register of Claims through March 26, 2015 in the total amount of \$2,885,680.25

MEETING DATE: April 15, 2015

PREPARED BY: Financial Services Manager

RECOMMENDED ACTION: Receive the attached Register of Claims for \$2,885,680.25.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$2,885,680.25 through 03/26/15. Also attached is Payroll in the amount of \$2,486,189.40.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: As per attached report.

Ruby R. Paiste
Financial Services Manager

RRP/mlm

Attachments

APPROVED: _____
Stephen Schwabauer, City Manager

Council Report

City of Lodi, CA - v10.5 Live

3/13/2015 through 3/26/2015

Fund			Amount
100 - General Fund			1,194,723.49
120 - Library Fund			11,849.43
140 - Expendable Trust			5,375.00
200 - Parks, Rec & Cultural Services			16,551.80
217 - CalGRIP			75.60
270 - Comm Dev Special Rev Fund			2,937.39
301 - Gas Tax-2105,2106,2107			74,432.74
303 - Measure K Funds			24,664.68
350 - H U D			2,565.68
400 - Vehicle Replacement Fund			18,470.00
431 - Capital Outlay/General Fund			240,597.45
434 - Arts in Public Places-IMF			25,200.00
500 - Electric Utility Fund			105,214.82
501 - Utility Outlay Reserve Fund			63,360.00
504 - Public Benefits Fund			102,558.30
506 - Solar Surcharge Fund			16,596.72
508 - Environmental Compliance			302.32
530 - Waste Water Utility Fund			82,628.72
531 - Waste Wtr Util-Capital Outlay			21,937.23
560 - Water Utility Fund			382,478.70
561 - Water Utility-Capital Outlay			223,175.99
565 - PCE/TCE Rate Abatement Fund			4,158.40
593 - Northern Plume			1,500.00
600 - Dial-a-Ride/Transportation			164,621.86
601 - Transit Capital			10,575.43
650 - Internal Service/Equip Maint			57,524.62
655 - Employee Benefits			28,475.10
660 - General Liabilities			1,917.10
801 - L&L Dist Z1-Almond Estates			1,211.68
Total			2,885,680.25

Council Report: Payroll

City of Lodi, CA - v10.5 Live

Pay Period 3/15/2015

Fund	Description	Amount
100	General Fund	1,437,833.22
120	Library Fund	51,848.12
200	Parks, Rec & Cultural Services	238,062.04
214	LPD-OTS Grants	944.38
270	Comm Dev Special Rev Fund	55,131.74
301	Gas Tax-2105,2106,2107	59,860.00
500	Electric Utility Fund	337,423.20
530	Waste Water Utility Fund	226,420.98
560	Water Utility Fund	29,940.38
561	Water Utility-Capital Outlay	726.54
600	Dial-a-Ride/Transportation	15,829.40
650	Internal Service/Equip Maint	32,169.40
Report Total		2,486,189.40



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) March 24, 2015 (Shirtsleeve Session)
b) March 31, 2015 (Shirtsleeve Session)
c) March 31, 2015 (Special Meeting)
d) April 1, 2015 (Regular Meeting)

MEETING DATE: April 15, 2015

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) March 24, 2015 (Shirtsleeve Session)
b) March 31, 2015 (Shirtsleeve Session)
c) March 31, 2015 (Special Meeting)
d) April 1, 2015 (Regular Meeting)

BACKGROUND INFORMATION: Attached are copies of the subject minutes marked Exhibit A through D, respectively.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Jennifer M. Ferraiolo
City Clerk

Attachments

APPROVED: _____
Stephen Schwabauer, City Manager

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MARCH 24, 2015**

A. Roll Call by City Clerk

The Shirtsleeve Session of March 24, 2015, was called to order by Mayor Johnson at 7:01 a.m.

Present: Council Member Kuehne, Council Member Nakanishi, Mayor Pro Tempore Chandler, and Mayor Johnson

Absent: Council Member Mounce

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

B. Topic(s)

B-1 Presentation on the City's Efforts to Mitigate the Use of Illegal Fireworks (PD)

Sergeant Steve Maynard provided a PowerPoint presentation on the City's efforts to mitigate the use of illegal fireworks. Specifics topics of discussion included fireworks issues, other obstacles, where fireworks come from locally, past courses of action, 2014 results, what other cities have done, future course of action, public education, common public service announcements, and public outreach.

In response to Council Member Nakanishi, Sgt. Maynard and Fire Marshal Gene Stoddart stated that revenue from the sale of legal fireworks in Lodi is significant, with each of the six fireworks booths averaging between \$10,000 and \$40,000 in net sales each year. The concern is with illegal fireworks, which can easily be purchased online or from vendors.

In response to Mayor Johnson, Sgt. Maynard stated that the Fourth of July mobile suppression team responds to calls through the dispatch center, as well as to sightings of fireworks, and then saturates the area in question to determine who is launching the illegal fireworks.

In response to Mayor Johnson, Fire Chief Larry Rooney stated that there was no overtime last year for Fire personnel to staff the task force because the department took a different tactic by staffing Fire Engine No. 1. Fire Marshal Stoddart added that in previous years, a member of the fire investigation team rode along with the Police Department; however, Fire personnel have no arrest powers and add a level of protection concerns for the police officer, and it was determined that staffing Engine No. 1 would be more effective. Deputy City Manager Jordan Ayers explained that the City recovered between \$10,000 and \$15,000 over each of the last three years pursuant to the Lodi Municipal Code (LMC), which places a threshold of \$20,000 that can be recovered from the two fireworks operators. In further response, Mr. Ayers stated that fines and misdemeanors account for zero percent of the cost recovery. City Manager Schwabauer further explained that the vendors, through sales revenue, fund the City's operations over the 3rd and 4th of July.

In response to Council Member Nakanishi, Sgt. Maynard stated that cities across the state are struggling with the same issues that Lodi is experiencing and that many communities are not fielding as many officers as Lodi.

In response to Council Member Nakanishi, Police Chief Mark Helms stated that the LMC provides the City with a much stronger tool than the Health and Safety or Penal Codes and LMC violations are prosecuted through the City Attorney's Office for which the burden of proof is much less. Chief Helms stated that the focus in the future will be on the person responsible for the home, whether it is the property owner or tenant, where the illegal fireworks activity is taking place, rather than trying to ascertain who is launching the fireworks. City Attorney Magdich stated that

the LMC, as written, is sufficient to accomplish this and does not need to be amended.

In response to Council Member Kuehne, Chief Helms stated that, in the case of a block party, officers would determine which home or property was most associated with the violation and take action against that property owner or tenant, which could ultimately be several responsible parties. Mr. Schwabauer added that, if the block party was legal and arranged through an encroachment permit, the responsible person would be the individual listed on the permit.

In response to Mayor Johnson, Ms. Magdich stated that the highest penalty allowable under an LMC violation is a misdemeanor; however, the fines could be increased to make the penalties more severe. Chief Helms added that those prosecuted under the LMC would suffer a civil penalty in the form of a fine that, if not paid, would be placed as a lien against the property.

In response to Council Member Nakanishi, Fire Marshal Stoddart stated that the State Fire Marshal is extremely concerned about jurisdictions' inability to dispose of confiscated fireworks due to stringent regulations and is seeking support for legislation to tax fireworks to fund this effort. In addition, he is aware of communities that cannot move or dispose of large amounts of confiscated fireworks due to the regulations and that the materials are being housed in residential areas, which is extremely unsafe. Further, Fire Marshal Stoddart stated that Lodi Stadium 12 will run advertisements regarding illegal fireworks, the cost for which would come from fireworks fees, that would reach a significant number of people.

Chief Helms suggested that another way to reach the public is through utility bill inserts and that this outreach, combined with movie theater advertisements and print and social media, will make it difficult to excuse the public for being unaware of the regulations and associated penalties. Chief Helms stated that he hopes the City will see improved results this Fourth of July due to this change in approach and application of the law.

In response to Mayor Johnson, Sgt. Maynard stated he believed that the combination of allowing safe and sane fireworks, the cessation of the California Highway Patrol's roadway interdiction program, and the increase in those selling and importing illegal fireworks has contributed to the escalation of illegal firework activity.

In response to Mayor Pro Tempore Chandler, Sgt. Maynard stated that years ago agencies could destroy confiscated fireworks by incinerating or burning them but that is no longer the case. Currently, it is on a case-by-case basis as to what the bomb squad can do with seized materials.

Council Member Nakanishi suggested the City involve Assembly and State representatives in this matter, to which Mayor Johnson stated he met with Assemblymember Jim Cooper regarding community concerns and that he would work with Fire Marshal Stoddart to craft language to provide to Mr. Cooper. Council Member Nakanishi suggested the letter also be shared with Senator Cathleen Galgiani.

In response to Mayor Johnson, Sgt. Maynard stated that there are typically concentrated areas of concern and that last year the problematic areas centered around Lodi Lake with large parties and neighborhoods near Century Boulevard.

Myrna Wetzel expressed concerns that the illegal fireworks activity is not strictly limited to the Fourth of July but also during major holidays, the activity lasts until late in the evening, and that she believed the problems began once the sale of safe and sane fireworks was legalized.

C. Comments by Public on Non-Agenda Items

Roger Rehmke submitted a petition regarding alcoholic beverage control licenses issued at special events, such as the downtown street faire. Mr. Rehmke stated that the recent change to allow beer booths on all corners during events with street closures has created problems with those businesses who have liquor licenses and are open during the same time. The businesses who signed the petition are requesting that consideration be given to return to the practice of allowing one beer garden in a well-defined area during special events with street closures.

D. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:40 a.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MARCH 31, 2015**

The March 31, 2015, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Jennifer M. Ferraiolo
City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MARCH 31, 2015**

A. Call to Order / Roll Call

The Special City Council meeting of March 31, 2015, held at Hutchins Street Square, 125 South Hutchins Street, Lodi, was called to order by Mayor Johnson at 6:01 p.m.

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

Absent: None

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

NOTE: Council Member Kuehne left the meeting at 6:33 p.m.; Council Member Nakanishi left the meeting at 8:10 p.m.

B. Topic(s)

B-1 City Council Goal Setting (CM)

City Manager Schwabauer provided a PowerPoint presentation regarding City Council goal setting. Specific topics of discussion included the City's mission statement, existing major goals and objectives, and available resources.

Council Member Nakanishi stated he would like to see the City's mission statement include the City's desire to provide courteous, efficient service to its citizens.

Council Member Mounce expressed concern that the City's mission and goals do not address the separation of east and west side, stating that the City should provide equal service to all citizens of this community. Additionally, she believed the objective to provide open access to public meetings is not currently being met because notices and information are not posted in other languages or at locations that would provide the best outreach to other cultures.

Mr. Schwabauer stated that staff would bring back the comments at a later meeting to adopt changes to the existing goals.

In response to Council Member Mounce, Mr. Schwabauer stated that staff is currently in negotiations with all of the unions and it is possible that all or some portion of the available funding could be spent on labor issues. He explained that one priority may be to address the employees who have contributed to the City's success in surviving the recession by taking pay cuts.

Each department and Council Member described their top goals and priorities, as set forth in the staff report and PowerPoint. Additional discussion and questions occurred as shown below.

City Clerk

In response to Council Member Kuehne, City Clerk Ferraiolo graded the current e-Records system as mediocre due to its age and unreliability and further expressed her hope that a new system would be more technologically advanced and dependable.

In response to Mayor Johnson, Ms. Ferraiolo stated that the option to address the issue on a Citywide basis by updating the City's website and customizing a records management program would involve the Information Technology Division, as well as buy-in from City departments.

Council Member Mounce concurred that the City's website needs to be improved and that the e-Records system should be more user-friendly, as documents are often difficult to locate.

Mr. Schwabauer added that, at this time, staff is not asking for a decision between the two options and there is more research needed to see which direction makes the most sense.

Council Member Nakanishi

Council Member Nakanishi outlined his goals, which were not originally included in the staff report or PowerPoint, stating that he shares the same goals as his fellow Council Members. He expressed that the areas of jobs, sales tax, and income tax are important, and his primary goals would be safe streets and schools; gang suppression via the California Gang Reduction, Intervention and Prevention Program; the browned-out Fire Engine No. 1; park maintenance; and economic development.

Community Development

In response to Council Member Mounce, Mr. Schwabauer explained that the request for a second gang intervention worker comes from the Community Development Department, versus the Police Department, because it operates the Community Development Block Grant program and houses that employee. He stated that many cities find that this position does not belong in the Police Department, as it can be mistakenly viewed as a narcotics agent.

In response to Mayor Johnson, Mr. Schwabauer stated that the request for an additional inspector position would be added as an authorized position; however, it would not be filled unless the level of permits increased significantly. Developers count on speed to get inspections scheduled and finalized in a timely manner, and staff would like the ability to bring in a second position, likely on a contract basis, when the need arises.

In response to Mayor Johnson, Mr. Schwabauer stated that the Reynolds Ranch annexation, as an example, included a requirement in the application that the developer fund the cost of environmental studies and all of the work to make the annexation possible. In further response, Mr. Schwabauer stated that there are likely 10 times more property owners in the future industrial annexation than there were for either Reynolds Ranch or the Southwest/Gateway annexations and that anywhere between 500 and 1,000 acres could be annexed into the City.

Economic Development

In response to Council Member Mounce, Business Development Manager Adam Brucker stated that Worknet has training programs and that staff is providing this information to General Mills employees. Ms. Mounce suggested that apprenticeship and trade programs be shared with them as well and stated she has contact information that she could share with staff.

In response to Mayor Johnson, Mr. Brucker stated that Worknet is working with General Mills to plan a job fair for late summer.

In response to Council Member Mounce, Electric Utility Director Elizabeth Kirkley stated that the fiber optic network was originally installed for communication to the substation and operations center through the Supervisory Control and Data Acquisition system, which is still currently in use. The plan is to expand the fiber to other facilities, such as Police, Fire, and Hutchins Street Square, for City purposes. Ms. Kirkley explained that there are other fiber strands that the City could potentially utilize as part of its economic development tool box. Mr. Brucker added that the City installed more fiber than it needed and it is being underutilized.

In response to Council Member Nakanishi, Ms. Kirkley stated that it is more costly to run electricity underground. Council Member Nakanishi expressed support for researching the feasibility of operating a fiber network.

In response to Mayor Johnson, Mr. Brucker stated that, in working with a consultant, staff would develop a project scope to ascertain what the potential revenue could be in operating a fiber network in order to determine if it is feasible and beneficial before proceeding.

In response to Council Member Nakanishi, Mr. Schwabauer stated that one of the costs of the project is to provide nodes in the network so that others can access the fiber and the consultant would assist in determining what that cost is. Another cost is to stretch the fiber, beyond the City facilities already on the network, to those who want to use it.

In response to Council Member Nakanishi, Mr. Brucker stated that many cities have property-based improvement districts, as well as business improvement districts, and the formation of a downtown property-based business improvement district would not be uncommon.

Council Member Mounce questioned how many out-of-town property owners there were in the downtown area, to which Mr. Brucker responded that he was unsure. Ms. Mounce predicted that the out-of-town owners will demonstrate the greatest resistance, as well as others who are less vested in the downtown area. Mr. Brucker stated that, as part of the process, the property owners being assessed participate in an election process that would require a majority vote in favor to form the district, to which Ms. Mounce stated she believed that will be a challenge.

Mayor Johnson suggested that staff review information on the previous attempt to determine what worked and what did not.

Electric Utility Department

In response to Council Member Nakanishi, Ms. Kirkley stated that electricity for new developments is primarily underground and each city has its own unique circumstances that influence whether electricity should be installed overhead or underground.

Council Member Mounce expressed her desire that the lines on Cherokee Lane be installed underground.

Fire Department

In response to Mayor Johnson, Ms. Kirkley, who shared a similar goal with Fire on succession planning, stated that staff annually reviews the budget on training funds for existing employees and to ascertain whether new hires are adequately qualified or will require additional education or instruction to get them to a higher-performing level.

In response to Mayor Pro Tempore Chandler, Deputy City Manager Jordan Ayers stated that one of his goals ties into the Fire Department's goal, which is to develop a vehicle replacement policy, and that the vehicle replacement fund is currently underfunded by \$2.4 million. Mr. Ayers stated that an agency should typically set aside a dollar amount equal to depreciation. As an example, a piece of equipment with a 25-year life expectancy should have a 4 percent set-aside every year, as well as an inflation factor.

Council Member Mounce stressed the importance of an asset replacement policy to replace or repair all City assets, including the turf at the Grape Bowl, vehicles, apparatus, and any piece of equipment with a 5- to 10-year lifespan.

Council Member Nakanishi stated that he cannot see how government agencies can set aside money when they have so little funding available, to which Mr. Ayers responded that many governmental entities have a plan in place for asset replacement.

Internal Services Department

In response to Council Member Mounce, Mr. Ayers stated that the fixed asset data has been sent to Tyler Technologies for conversion and that the information should be loaded and available soon, which would fulfill one of the concerns expressed by the City's auditor.

In response to Council Member Mounce, Mr. Ayers stated that his budget staff would provide each department with a list of assets included in the vehicle replacement fund, as well as the depreciation amount, and direct departments to include those dollar values in their annual budget.

In response to Council Member Mounce, Mr. Ayers stated there are two types of California Public Employees Retirement System (Cal-PERS) liabilities: one is the pool of employees who

have Sick Leave conversion, which will decrease over time; and the other is the nominal fee for every retiree who takes medical insurance through the Cal-PERS system, which will continue to occur.

In response to Mayor Johnson, Mr. Ayers stated that most jurisdictions have a third party trust fund handle the Other Post Employment Benefits liability in order to get credit within the actuarial process.

Mayor Johnson commented that he believed the numbers used on vehicle replacement are unrealistic and that the vehicles should not be turned over at such a low mileage.

Parks, Recreation, & Cultural Services

In response to Council Member Mounce, Parks, Recreation, and Cultural Services Director Jeff Hood stated that the Hutchins Street Square Foundation's goal is to create an endowment fund for investment in the Square to do things such as extension of fiber optic into the building and replacement of chairs, tables, and equipment. He stated that he would be willing to approach the Foundation to ask if it would spend some of the investment proceeds from the recently-donated money on the roof replacement project.

In response to Mayor Johnson, Mr. Hood stated that the Lions Club officially adopted Emerson Park and its representatives are proposing to improve the small playground area regarding access issues and replacing outdated playground equipment, as well as potentially adding a second picnic shelter because of the park's popularity.

In response to Mayor Johnson, Mr. Hood stated that plans are being developed, with the assistance of the Public Works Department, for the resurfacing of the north side of Lodi Lake. The first draft is under review with the State Division of Boating and Waterways, and construction would likely begin this winter, with completion in mid-spring. He estimated that the south side parking lot improvements would begin after that project, adding that there is money available from the land sale associated with the Surface Water Treatment Plant, but he was reluctant to move forward with the project for fear that the heavy equipment from the other project could cause damage.

In response to Mayor Johnson, Mr. Hood stated that he would contact the State Division of Boating and Waterways to see if it could provide any assistance with the Lodi Lake erosion issue.

Mayor Pro Tempore Chandler stated that boat speed is a contributing factor to the erosion problem, adding that there is a community group who would like to see the City pursue the issue because the boats are loud, dangerous, and destroying the river. Mr. Hood stated that a recent study found that boat wake, wind, and the river washing against the bank are causing the problem with erosion. The changes in water levels from Woodbridge Irrigation District operations and bank alterations upstream also have an impact.

Police Department

In response to Council Member Nakanishi, Police Chief Mark Helms confirmed that the City's firing range is located in the old Police Department Building, it is in disrepair, and it is inadequate for long-distance or rifle training, adding that staff often must rent a facility or utilize Stockton's range.

Council Member Mounce requested that the Chief work with the City Manager to schedule a Shirtsleeve Session to tour the Police Department facility to view the conditions and the various apparatus and equipment that need replacement.

Mayor Pro Tempore Chandler commended Chief Helms for his department's quality of work, despite budget challenges.

Public Works Department

In response to Council Member Mounce, Public Works Director Wally Sandelin stated that power

washing the downtown sidewalks is necessary due to the high level of contaminants on the walkways; the amount of water that a pressure washer uses is less than a regular hose; and the volume of water extracted back into the machine after cleaning is low.

Council Member Mounce expressed that she would like to see the sidewalk gap closure policy come back to Council.

In response to Mayor Johnson, Mr. Sandelin stated that the traffic signal on Turner Road and California Street moved up on the priority list based on comments from Council and the public. Mayor Johnson stated he was previously told by staff that what moves a signalized intersection up or down on the priority list has to do with whether it meets the State's guidelines and he questioned why this particular light moved higher, to which Mr. Sandelin agreed he would meet with him later to discuss the issue.

In response to Council Member Mounce, Mr. Sandelin stated that the potential decrease in federal and State funding by as much as 30 percent for road repairs will affect the City's ability to maintain the streets at the current level; however, Lodi's street surfaces and repairs are superior to most communities in California, and he calculated that the reduction in funding may impact the City less than surrounding communities. In addition, he stated that some of the reduction could be made up from Community Facilities District (CFD) taxes from new development, which would provide general fund revenue for other departments and free up money for specified maintenance. Mr. Schwabauer explained that the CFD tax is on new development coming into the City and is not a new tax.

Mr. Schwabauer asked that participants rank their top priorities by placing stickers next to their most important goals, which were displayed on presentation boards. Council Members received four stickers each, department heads received two apiece, and each member of the public received two stickers. Mr. Schwabauer explained that the results will not be debated this evening and that staff would return at a later date with a set list of goals that Council can further structure and rank.

Mayor Johnson suggested that this exercise be postponed since two of the Council Members left the meeting early, to which Mr. Schwabauer suggested that the ranking activity proceed and that Council Member Kuehne's and Nakanishi's priorities can be added prior to tabulating the list.

RECESS

At 8:25 p.m., Mayor Johnson called for a recess in order to distribute stickers to the participants, and the City Council meeting reconvened at 8:32 p.m.

Following the ranking exercise, Mr. Schwabauer provided a general review of the results. Council Member Mounce suggested that many of the goals can be grouped together, such as gang suppression and homelessness with the Police Department's goal to increase staffing, in order to better refine the goals.

Michael Carouba expressed support for this meeting and exercise, which demonstrated a glaring need for an increase in City revenue. He suggested that the City consider leasing the fiber ring to an existing network rather than trying to become one, which could save the City money. He believed the City needs to improve in the economic development area and suggested that efforts be made in all areas, not just industrial, adding that there are many locations currently not served by City electric and water.

Ed Miller stated that, based on the needs presented this evening, he believed the City was severely lacking in funds to achieve its objectives and, until the economic environment produces revenue, the City will continue to be unable to hire police officers, repair parking lots, and improve Lodi Lake. He believed that many people still have the false belief that Lodi is a no-growth city. Mr. Miller suggested that greater effort be made to convince State legislators to change how it treats small businesses because many can no longer afford to remain open, which negatively affects the economy.

Pat Patrick, President and CEO of the Lodi District Chamber of Commerce, concurred that the City needs more revenue. He stated that the City can no longer compete the way it currently is with other communities, adding that the Chamber's Vision 2020 Plan is a resource that can help with this endeavor because it includes ideas with little to no costs tied to them. Bay Area businesses are looking to escape their high-cost location, and Lodi needs to be ready to target them and bring in those high-paying jobs.

C. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:06 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 1, 2015**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of April 1, 2015, was called to order by Mayor Johnson at 6:00 p.m.

Present: Council Member Kuehne, Mayor Pro Tempore Chandler, and Mayor Johnson
Absent: Council Member Mounce, and Council Member Nakanishi
Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

C-2 Announcement of Closed Session

- a) Conference with Adele Post, Human Resources Manager, and Jordan Ayers, Deputy City Manager (Labor Negotiators), Regarding Lodi City Mid-Management Association, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, and Lodi Professional Firefighters Pursuant to Government Code §54957.6 (CM)

C-3 Adjourn to Closed Session

At 6:00 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:50 p.m.

C-4 Return to Open Session / Disclosure of Action

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

Item C-2 (a) was discussion and direction given with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of April 1, 2015, was called to order by Mayor Johnson at 7:00 p.m.

Present: Council Member Kuehne, Council Member Nakanishi, Mayor Pro Tempore Chandler, and Mayor Johnson
Absent: Council Member Mounce
Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

NOTE: Council Member Nakanishi arrived at 7:20 p.m.

B. Presentations

B-1 Sexual Assault Awareness Month Proclamation (CLK)

Mayor Johnson presented a proclamation proclaiming the month of April 2015 as "Sexual Assault Awareness Month" in the City of Lodi to Melissa Miller-Amos, Youth Services Manager for the Women's Center Youth & Family Services. Ms. Miller-Amos encouraged people to visit their website at www.thewomenscenter.org to learn more and get involved.

B-2 National Public Safety Telecommunicators Week Proclamation (PD)

Mayor Johnson presented a proclamation proclaiming the week of April 12 to 18, 2015, as "National Public Safety Telecommunicators Week" to Lieutenant Chris Jacobson and Teresa Fulwiler, Dispatch Supervisor.

B-3 National Animal Control Officer Appreciation Week Proclamation (PD)

Mayor Johnson presented a proclamation proclaiming the week of April 12 to 18, 2015, as "National Animal Control Officer Appreciation Week" to Lieutenant Chris Jacobson and Jennifer Bender, Animal Services Supervisor.

B-4 National Volunteers Week Proclamation (PD)

Mayor Johnson presented a proclamation proclaiming the week of April 12 to 18, 2015, as "National Volunteers Week" to Lieutenant Shad Canestrino and Sergeant Rick Garcia; Cadets Danae Sym and Joseph Hughes, representing the Lodi Police Department Cadets; Kathy Grant, representing the Stormwater Detectives; John Nunes and Ron Johnstad, representing the Lodi Police Partners Program; and Rob Shepard, President of the Boosters of Boys/Girls Sports Organization. Parks, Recreation, and Cultural Services Director Jeff Hood recognized Tree Lodi for its many volunteer hours and donations and encouraged the public to volunteer their time for the upcoming Amgen tour. Kathy Grant announced that the Master Gardeners will hold a dedication for the river-friendly landscape garden in front of the post office on April 25 at 1 p.m.

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

Mayor Pro Tempore Chandler made a motion, second by Council Member Kuehne, 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 Kuehne, Mayor Pro Tempore Chandler, and Mayor Johnson

Noes: None

Absent: Council Member Mounce, and Council Member Nakanishi

C-1 Receive Register of Claims in the Amount of \$2,603,511.90 (FIN)

Claims were approved in the amount of \$2,603,511.90.

C-2 Approve Minutes (CLK)

The minutes of March 10, 2015 (Shirtsleeve Session), March 10, 2015 (Special Meeting), March 17, 2015 (Shirtsleeve Session), and March 18, 2015 (Regular Meeting) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for the Salas Park Lights Installation Project (PRCS)

Approved plans and specifications and authorized advertisement for bids for the Salas Park Lights Installation Project.

C-4 Approve Specifications and Authorize Advertisement for Bids for 2015/16 Landscape Maintenance of Miscellaneous Areas and Lodi Consolidated Landscape Assessment District No. 2003-1 (PW)

Approved specifications and authorized advertisement for bids for the 2015/16 Landscape Maintenance of Miscellaneous Areas and Lodi Consolidated Landscape Assessment District No. 2003-1.

C-5 Approve Specifications and Authorize Advertisement for Bids for 2015-2017 Sidewalk and Miscellaneous Concrete Repair Program (PW)

This item was removed from the Consent Calendar at the request of Council Member Kuehne for the purpose of discussion.

In response to Council Member Kuehne, Public Works Director Wally Sandelin explained that this contract is on an as-needed basis, which is the reason no specific locations were listed in the specification. Over the next two years, staff will pinpoint areas in town that require sidewalk repair, whether the damage is caused by City trees or private trees, and correct them under this contract. In the case of damage caused by a residential tree, the property owner is notified and, if not repaired, the City will replace the sidewalk and bill the property owner.

Council Member Kuehne made a motion, second by Mayor Johnson, to approve specifications and authorize advertisement for bids for the 2015-2017 Sidewalk and Miscellaneous Concrete Repair Program.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Kuehne, Mayor Pro Tempore Chandler, and Mayor Johnson

Noes: None

Absent: Council Member Mounce, and Council Member Nakanishi

C-6 Approve Specifications and Authorize Advertisement for Bids for 2015/16 Asphalt Materials (PW)

Approved specifications and authorized advertisement for bids for 2015/16 Asphalt Materials.

C-7 Accept Improvements Under Contract for Kettleman Lane Bus Stop Improvements (PW)

Accepted improvements under the contract for the Kettleman Lane Bus Stop Improvements.

C-8 Accept Improvements Under Contract for 2014 GrapeLine Bus Stop Improvements (PW)

Accepted improvements under the contract for the 2014 GrapeLine Bus Stop Improvements.

C-9 Accept Improvements Under Contract for Granular Activated Carbon Replacement, Well No. 18 and No. 20 (PW)

Accepted improvements under the contract for the Granular Activated Carbon Replacement, Well No. 18 and No. 20.

C-10 Adopt Resolution Approving Submittal of Low Carbon Transit Grant for Free GrapeLine Fare Days and Authorizing Transportation Manager to Submit All Necessary Paperwork (PW)

Adopted Resolution No. 2015-36 approving the submittal of the Low Carbon Transit Grant for Free GrapeLine Fare Days and authorizing the Transportation Manager to submit all necessary paperwork.

C-11 Receive Update on Emergency Condition at White Slough Water Pollution Control Facility Digesters No. 1 and No. 2 (PW)

Received an update on the emergency condition at White Slough Water Pollution Control Facility Digesters No. 1 and No. 2.

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 6.31). 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.

Anita Herman, representing the Master Gardeners Program, expressed concern regarding the recent rash of vandalism and theft to the 55 flower pots that the group planted along School and Pine Streets, as well as the increasing homeless population. She requested assistance from the City and Police Department to patrol the area, particularly at night when the vandalism appears to be more prevalent.

Mayor Johnson informed Ms. Herman that the City and other groups recently initiated a strategy to work on curtailing the homeless situation and he further suggested that the Police Department increase patrol efforts around the downtown bars and hotel, as the problems in those areas seem to come from patrons instead of homeless individuals.

Mayor Pro Tempore Chandler applauded the Master Gardeners for its efforts in beautifying downtown and echoed Mayor Johnson's comments, stating that there is a collaborative effort underway to address the homeless situation that involves property owners, the faith community, and the Salvation Army. He encouraged her to become involved in the process.

City Manager Schwabauer stated that Community Development staff is currently reviewing use permits for businesses in the downtown area and there are steps the City can take to address some of the issues relating to late-night vandalism.

Cheryl Francis, representing the Grace and Mercy Charitable Foundation, provided information on the organization, stating that the group raised money to repair an abandoned building downtown to run a soup kitchen and charitable organization, which served over 42,000 people last year. Grace and Mercy operates on private funding and receives no city, state, or federal grants, and she expressed disappointment that the organization was unable to secure Community Development Block Grant funding this year.

Council Member Kuehne thanked Ms. Francis and her organization for all it does and encouraged her to attend the meetings and participate in the effort to address the homeless situation.

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

At the request of Council Member Nakanishi, City Manager Schwabauer described his experience participating in the Fire Department's training exercise at a house fire, stating that it was a terrifying and difficult task. Mr. Schwabauer recognized Lodi's firefighters who face life and death situations on a daily basis with strength and bravery, adding that it is not solely fires that they must contend with but also heartbreaking accidents and disasters.

Mayor Johnson requested that staff provide a report to Council at its next meeting regarding the Governor's executive order mandating a 25 percent reduction of water use in California and where the City is in regard to that order and what it needs to do to increase conservation.

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

G. Public Hearings

G-1 Public Hearing to Consider Adopting Resolution Approving the 2015/16 Draft Annual Action Plan for the Community Development Block Grant Program (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider adopting

resolution approving the 2015/16 Draft Annual Action Plan for the Community Development Block Grant (CDBG) Program.

Neighborhood Services Manager Joseph Wood provided a PowerPoint presentation regarding the 2015/16 Draft Annual Action Plan for the CDBG Program. Specific topics of discussion included 2015/16 annual allocation process, funding availability, program administration, public service funding, community-based organization (CBO) recommendations, City projects and services recommendations, special projects/activities recommendations, and 2015/16 CDBG process.

In response to Council Member Kuehne, Mr. Wood explained that Fair Housing provides services for landlord-tenant disputes, works closely with the Code Enforcement Division to help citizens with substandard housing and legal issues and referrals to adequate counseling agencies, and assists with fair housing discrimination matters. All of its services dedicated to Lodi residents are paid on a prorated basis.

In response to Council Member Nakanishi, Mr. Wood stated that, through the five-year CDBG plan, staff identifies and advertises its priority needs and goals and seeks applications from both the City and CBOs that will address those needs. In further response, Mr. Wood stated that the CDBG program administration amount does not entirely cover the cost of the programs and any excess amount is billed to the appropriate project or covered by the general fund. Deputy City Manager Jordan Ayers stated that the contribution from the general fund to Community Development is approximately \$100,000 annually.

Mayor Johnson suggested staff consider increasing public notifications and advertisements in the Latino Times to get the information distributed to a broader base in the community, adding that he recently learned that only a small percentage of home subscriptions for the Lodi News-Sentinel are from the east side of town.

In response to Council Member Kuehne, Mr. Wood stated that Fair Housing appears in two categories because staff is recommending that this line item be moved from the public service side and into program administration; however, that first needs Council approval.

In response to Council Member Nakanishi, Mr. Wood confirmed that staff's funding recommendations will accomplish the goals laid out by the City over a period of time and that the primary focus is on the east side of town.

In response to Council Member Kuehne, Mr. Wood stated he was uncertain how many Lodi residents utilize the Small Business Assistance program through San Joaquin Delta College and explained that this program targets small businesses with minority owners. Mr. Kuehne stated he was unsure if this was a high-priority community need, to which Mr. Wood explained that this item is an economic development project and, if not funded in that category, it would not qualify for funding as a public service activity. In further response, Mr. Wood confirmed that this is the third, and final, request for the 719 South Washington Street project.

In response to Council Member Kuehne, Mr. Wood explained that, when the City accumulated \$1.2 million from the first-time home buyer loan payoffs, the City applied those funds, along with \$330,000 from CDBG funding, toward an affordable housing project. Initially, the former railroad property across from the Lodi Grape Festival was considered as an adequate location; however, following some resistance and vanishing tax credit funding, the property on Tienda Drive was considered. Funding was allocated to Eden Housing to purchase the City-owned property and to develop Roget Park.

In response to Mayor Johnson, Mr. Wood stated that, should the City continue to be unsuccessful in attaining tax credit funding and unable to proceed with the affordable housing project, the State Department of Housing and Urban Development (HUD) will ultimately ask for results and could demand return of the funding. The City would be required to take back the property and return the funding to the HOME program.

Mr. Schwabauer stated that, if the City pursues the Section 108 loan option as detailed in the staff report and PowerPoint, the money would remain with the City until Eden Housing obtained funding to move the project forward.

In response to Mayor Johnson, Mr. Wood stated that the \$1.2 million would need to be returned if the affordable housing project failed. Mr. Schwabauer added that it could potentially be that much, but certain issues would need to be addressed with HUD on program administration matters. He stated there is no doubt the City would be at risk for the purchase of the Tienda property, which was approximately \$650,000, and would need to be returned to Urban County because, at that time, the City was not its own agency. Mr. Wood stated that the second phase of the tax credit program will likely produce results for funding the program, as the City was extremely close in Phase 1. In further response to Mayor Johnson, Mr. Wood explained that redevelopment was eliminated and some HUD funding sources were discontinued, all of which made it more difficult to compete for tax credit funding because the pool of applicants is much greater.

In response to Council Member Nakanishi, Mr. Schwabauer stated that the risk of doing nothing on the affordable housing project is that the City purchased a park, the money is locked in, and the value cannot be extracted no matter what happens with the market.

In response to Mayor Pro Tempore Chandler, Mr. Wood explained that applications from CBOs were mainly in the public service category and staff funded all that it could following the scoring methodology. That amount did not make up the 40 percent set-aside for CBO projects and services, and the only additional funding items were for the Washington Street capital improvement project and Delta College's small business assistance program in the economic development category. The remaining funds were moved to the City side because there were no other capital improvement requests and because of the public service cap.

In response to Council Member Kuehne, Mr. Schwabauer stated that the 80-unit, two-story affordable housing project will be located on Tienda Drive, next to the Target shopping area. The City funded \$1.2 million, a portion of which went to Eden Housing to purchase the City land adjacent to Roget Park and the money from the land purchase was used to develop the park. Mr. Wood added that the project has gone through the entitlement process and is ready to proceed once funding is in place.

Mr. Schwabauer explained that security for the Section 108 loan is future CDBG allocations and the risk is that the City would have to backfill the loan if the CDBG program ceased to exist in the future. Mr. Wood added that the proposed Habitat for Humanity project under the Section 108 loan proposal would be paid back from recaptured funds from the sale of the property.

Council Member Kuehne expressed support for the Habitat for Humanity project and stated he would like more information on the economic development incentives for the General Mills facility. Based on the scoring methodology, he believed staff did a decent job of distributing the funding.

Council Member Nakanishi expressed support for the concepts set forth by staff.

Mayor Johnson opened the public hearing for public comment.

Marie Contreras, Lodi Site Manager for Community Partnership for Families (LPF), provided an overview of LPF's purpose and services and stated that LPF is seeking to collaborate with the California Gang Reduction, Intervention, and Prevention Program. She has already begun working with the City's Youth Outreach Worker and introduced two students who are currently enrolled in the program.

Isabel Arias, program participant and secretary to the Leo Club formed by LPF and the Mexican-American Lions Club, provided information on the goals, services, and community activities of the club, stating that the group hopes to expand further in the Lodi district and motivate teens to become more involved.

Jose Rodriguez, program participant, stated that he has been working with the City's Youth Outreach Coordinator to mentor youth at schools by encouraging them to find career paths and by talking with them as peers about family struggles and concerns. He stated he will work with the Leo Club in the future to help expand the program.

Mayor Pro Tempore Chandler stated that more volunteers are needed for the upcoming Amgen tour and suggested the Leo Club become involved.

Neil Saxby with Eden Housing stated that great effort has been made to seek financing for the City's affordable housing project, that three unsuccessful attempts were undertaken to apply for tax credits, and that he felt confident the project will be funded in the next round. Mr. Saxby stated that, because this project is fully entitled, it is ineligible for HOME funds and that the project would need to be considered rural, instead of urban, to be more competitive. Eden Housing initially secured \$700,000 in affordable housing funds and an additional \$700,000 from another funding source, and Mr. Saxby explained that an additional \$200,000 in funding would give the project another 2 to 4 percent edge that could break the tie in the tax credit competition.

Maria Rosado with Worknet and the Lodi Improvement Committee thanked the City for its efforts in making the streets handicap accessible, particularly on Cherokee Lane. Further, she acknowledged Cheryl Francis and her organization, Grace and Mercy Charitable Foundation, for the services she provides, stating that she assists in feeding the struggling farm workers who are laid off from work every two weeks and provides snacks for the at-risk youth who attend the workshops at Worknet, often with very little resources or on short notice. Ms. Rosado expressed disappointment that the Foundation was unable to obtain CDBG funding this year, but she stated she would do what she could to support Ms. Francis and the Foundation.

There being no further public comments, Mayor Johnson closed the public hearing.

Council Member Kuehne made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2015-37 approving the 2015/16 Draft Annual Action Plan for the Community Development Block Grant Program.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Kuehne, Council Member Nakanishi, Mayor Pro Tempore Chandler, and Mayor Johnson

Noes: None

Absent: Council Member Mounce

RECESS

At 8:49 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 8:56 p.m.

G-2 Continued Public Hearing to Consider Resolution Adopting Pre-Approved Proposition 218 Consumer Price Index-Based Annual Adjustment to Rates for Solid Waste Collection (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 Johnson called for the continued public hearing to consider a resolution adopting pre-approved Proposition 218 Consumer Price Index (CPI)-based annual adjustment to rates for solid waste collection.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding the pre-approved Proposition 218 CPI-based annual adjustment to rates for solid waste collection. Specific topics of discussion included contract language, CPI rate adjustment factor, county gate fees, and example rate changes.

In response to Mayor Pro Tempore Chandler, Mr. Sandelin explained that the contract language regarding "extraordinary increases" refers to the tipping rate to take refuse to the landfill, which is adjusted each year by the County, and costs associated with fuel and energy, which had no

adjustments this year.

In response to Mayor Johnson, Mr. Sandelin stated there was consideration given to incorporating a reduction in fuel because of decreasing fuel prices and because the Waste Management fleet converted to compressed nature gas; however, gas prices have since normalized to its previous level. He recalled that, over the last 15 years, there was likely no more than one or two instances when the rate adjustment included a fuel increase, adding that Waste Management accounts for its fuel costs through the CPI adjustment.

Mayor Johnson opened the public hearing for public comment.

There being no public comments, Mayor Johnson closed the public hearing.

In response to Council Member Nakanishi, City Attorney Magdich stated that the City has the option to take no action on this contractual adjustment; however, it would be in breach of the contract. Council Member Nakanishi stated that Waste Management is doing a fine job.

Alex Osegara with Waste Management announced its upcoming activities, including a free household hazardous waste event on April 4 at the transfer station; free e-waste event on April 4; dollar dump day on April 18; and annual residential clean-up week between April 20 to 24.

Council Member Nakanishi suggested the e-waste event be held on a weekday in the future instead of on the weekend.

Mayor Pro Tempore Chandler made a motion, second by Council Member Kuehne, to adopt Resolution No. 2015-38 adopting pre-approved Proposition 218 Consumer Price Index-based annual adjustment to rates for solid waste collection.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Kuehne, Council Member Nakanishi, Mayor Pro Tempore Chandler, and Mayor Johnson

Noes: None

Absent: Council Member Mounce

H. Communications

H-1 Post for Expiring Terms and Vacancies on the Greater Lodi Area Youth Commission (CLK)

Council Member Nakanishi made a motion, second by Mayor Pro Tempore Chandler, to direct the City Clerk to post for the following vacancies:

Greater Lodi Area Youth Commission

Student Appointees:

Daniel Anaforian, term to expire May 31, 2015

Josh Baumbach, term to expire May 31, 2015

Simaron Dhillon, term to expire May 31, 2015

Andrew Moton, term to expire May 31, 2015

Madison Litton, term to expire May 31, 2016

Ryan Ozminkowski, term to expire May 31, 2016

Adult Advisors:

Elizabeth Mazzeo, term to expire May 31, 2015

Cynthia Rodriguez, term to expire May 31, 2015

Anne Siegfried, term to expire May 31, 2015

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Kuehne, Council Member Nakanishi, Mayor Pro Tempore Chandler, and Mayor Johnson

Noes: None

Absent: Council Member Mounce

I. Regular Calendar

I-1 Adopt Resolution Approving Fiscal Year 2014/15 Mid-Year Budget Adjustments (CM)

Deputy City Manager Jordan Ayers provided a PowerPoint presentation regarding Fiscal Year 2014/15 mid-year budget adjustments. Specific topics of discussion included General Fund overview; departmental variances; Water Utility; Wastewater Utility; Electric Utility; Community Development; Parks, Recreation, and Cultural Services; and action requested. Mr. Ayers summarized the recommendations, which included funding the browned-out Engine No. 1 for the remainder of the fiscal year; using \$500,000 in unused Police Department salaries toward replacement of 15 vehicles in its fleet; appropriation of \$100,000 to cover remaining cost for Public Works contracted engineering tasks; addition of an Administrative Secretary in Public Works at the Municipal Services Center; addition of an Electric Materials Technician position in Electric Utility; appropriation to cover remaining cost of a Youth Outreach Worker in Community Development; and appropriations in the Parks, Recreation, and Cultural Services and Electric Utility Departments, as further detailed in the staff report.

In response to Council Member Kuehne, Mr. Ayers stated that a number of the Police patrol vehicles are six to seven years old, ten of the detective vehicles are in the 1998 to 2004 year range, and four of the patrol vehicles are still the old Crown Victoria models.

Mayor Johnson questioned if Council will continue to receive paperwork on the replacement vehicles, including the 15 in the Police Department, to which City Manager Schwabauer responded that staff will continue to report vehicle purchases under \$50,000 at Council meetings and that vehicles over \$50,000 will still require Council approval. Mayor Johnson expressed his concern that vehicles are being replaced when the mileage is still relatively low.

Captain Tod Patterson stated that many of the Police vehicles are exceeding their cost in maintenance and repair and many of them are over 100,000 miles. Police vehicles are subject to a heavy amount of wear and tear, as well as a high number of idling hours while officers prepare reports. These vehicles are used in emergency situations and are dangerous to drive.

Mayor Johnson stated that he recalled being told that the preference for detective vehicles was that they be older cars in order to blend in, particularly for undercover officers. Captain Patterson responded that a majority of those vehicles are in need of repair and the maintenance costs far outweigh the price of the vehicle. In response to City Manager Schwabauer, Captain Patterson confirmed that the Department continues to utilize undercover vehicles.

In response to Council Member Kuehne, Captain Patterson estimated that the Police Department fleet contains 55 vehicles, including those for patrol, detectives, and the Lodi Police Partners Program. In further response, Mr. Ayers stated that the proposal is to purchase eight detective vehicles for roughly \$24,000 apiece, two Interceptors that will be rotated, and five patrol vehicles at \$40,000 each.

In response to Mayor Johnson, Engineering and Operations Manager Jay Marchesseault explained the rationale behind the request for the Electric Materials Technician, stating that the position will add to efficiencies as well as assist in controlling access to the warehouse.

In response to Council Member Nakanishi, Mr. Ayers stated that revenues are down in the water utility from what was budgeted in the customer class, but the wastewater utility increased in customer charges by \$100,000 more than what was estimated.

In response to Mayor Pro Tempore Chandler, Mr. Ayers stated that the Electric Utility reserve is a combination of the locally-maintained \$6 million and funds on deposit with the Northern California

Power Agency, which was approximately \$9.6 million at the end of February. The current combined reserve amount will end in the \$15 to \$17 million range; the target reserve is \$22 million; and, through the recent rate model, staff is looking to continue building the reserve to the target level.

Mayor Johnson made a motion, second by Council Member Kuehne, to adopt Resolution No. 2015-39 approving Fiscal Year 2014/15 mid-year budget adjustments.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Kuehne, Council Member Nakanishi, Mayor Pro Tempore Chandler, and Mayor Johnson

Noes: None

Absent: Council Member Mounce

I-2 Provide Direction Regarding Downtown Tree Well Up-Lighting Options and Funding (PW)

This item was pulled from the agenda and will be brought back at the next Council meeting.

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:37 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Accept Improvements Under Contract for Wastewater Main Rehabilitation Program, Project No. 6
MEETING DATE: April 15, 2015
PREPARED BY: Public Works Director

RECOMMENDED ACTION: Accept improvements under contract for Wastewater Main Rehabilitation Program, Project No. 6.

BACKGROUND INFORMATION: The contract was awarded to Michels Pipeline Construction, of Salem, Oregon, on February 19, 2014, in the amount of \$1,528,314.80. The contract has been completed in substantial conformance with the plans and specifications approved by City Council.

This project included in place (trenchless) rehabilitation of approximately 33,000 linear feet of 6-inch, 8-inch and 10-inch diameter wastewater main; the rehabilitation of approximately 133 manholes; and the reinstatement of 800 wastewater laterals. This is the second to the last phase of the Wastewater Main Replacement Program, which started in 2002.

The contract completion date was April 3, 2015. The final contract price was \$1,644,518.50. The difference between the contract amount and the final contract price is mainly due to the following items totaling \$116,203.70:

- Change Order No. 1 included additional rehabilitation of the wastewater pipe in the alley north of Lodi Avenue between School Street and Church Street. (\$17,981.85)
- Change Order No. 2 included realigning the existing wastewater main in the alley south of Lodi Avenue between Lee Street and Pleasant Street and internally removing existing pipe joint grout obstructions at over 450 locations that prevented the lining and reinstatement of laterals. (\$98,221.90)

Following acceptance by the City Council, as required by law, the City Engineer will file a Notice of Completion with the County Recorder's office. The notice serves to notify vendors and subcontractors that the project is complete and begins their 30-day period to file a stop notice requiring the City to withhold payments from the prime contractor in the event of a payment dispute.

FISCAL IMPACT: Completion of this project will reduce future maintenance costs and increase the performance and reliability of the wastewater system.

FUNDING AVAILABLE: This project was funded by Wastewater Main Replacement Fund (53199000).

F. Wally Sandelin
Public Works Director

Prepared by Charlie Swimley, City Engineer / Deputy Public Works Director
FWS/CS/eb
cc: Construction Manager, Wiman
Senior Civil Engineer Chang

APPROVED: _____
Stephen Schwabauer, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Change Order No. 3 to the Professional Services Agreement with WMB Architects, of Stockton, for Construction Administration Services for City Hall Annex First Floor Phase 2 Interior Remodel Project (\$71,405)

MEETING DATE: April 15, 2015

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution authorizing City Manager to execute Change Order No. 3 to the professional services agreement with WMB Architects, of Stockton, for construction administration services for City Hall Annex First Floor Phase 2 Interior remodel project, in the amount of \$71,405.

BACKGROUND INFORMATION: City Council awarded the professional services agreement for design services for the City Hall Annex first floor remodel to WMB Architects on August 15, 2012. The project construction contract was awarded to Diede Construction (\$2,492,000) on February 18, 2015. The requested change order (Exhibit A) is for construction administration services during the construction project. WMB will assist City staff reviewing product data, drawing submittals and resolving issues related to the daily construction activities as they arise.

The project will replace the Civic Center chiller unit and add the City Hall Annex Facility to the chiller system; relocate the computer server and phone rooms from the basement to the first floor; relocate the main electrical service to the first floor; replace and relocate the emergency generator outdoors; and remodel the first floor area for use by the Parks, Recreation and Fire Administration Divisions.

The planned project completion is October 2015.

FISCAL IMPACT: The project will permit the Parks, Recreation and Fire Administration Divisions to return to the Civic Center complex. Funding is split among funds similar to the construction contract (27 percent General Fund, 73 percent Enterprise Funds).

FUNDING AVAILABLE:	General Fund (43199000.77020):	\$19,279
	EUD (50465100.72920):	\$17,375
	Water (56199000.77020):	\$17,375
	Wastewater (53199000.77020):	\$17,375

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

Prepared by Gary Wiman, Construction Project Manager
FWS/GW/eb
Attachment
cc: Fire Chief

Parks, Recreation and Cultural Services Director

APPROVED: _____
Stephen Schwabauer, City Manager

**WMB ARCHITECTS**

5757 Pacific Avenue
Suite 226
Stockton CA 95207
209.944.9110

2000 L Street
Suite 125
Sacramento CA 95811
916.254.5546

**PROPOSAL OF SERVICES
CITY HALL ANNEX – 1ST FLOOR PHASE II INTERIOR REMODEL
12-62**

March 17, 2015

DESCRIPTION OF THE PROJECT

Construction Administration Services

SUMMARY SCOPE OF SERVICES

The scope of services includes:

- Construction administration

The proposal includes services of the following disciplines:

- Architecture
- Mechanical engineering (plumbing and HVAC)
- Electrical engineering

The proposed fee is based upon tasking the time anticipated for this phase of the work. Our proposal for architectural / engineering services is as follows:

SCOPE OF SERVICES

Construction Administration

- 24 construction site meetings with architect – assume 6 months construction timeframe- 24 meetings provided in proposal.
- Site visits for mechanical and electrical engineers.
- Process and document as required General Contractor's Requests for Information (RFI's).
- Process product submittals and shop drawings.
- Review and evaluate substitutions to products and equipment submitted by the General Contractor.
- For RFI, submittal and substitution review and processing, this proposal assumes 11 hours per week of Project Manager time and 2 hours per month Principal time. (in addition to construction meetings and punch list services) Administration services required for this work that exceed 20% of the aggregate hours provided in this proposal will be invoiced as additional services.
- Monthly General Contractor payment request and progressive lien waiver review. Sub-contractor lien waiver documentation and verification responsibility of the General Contractor.

- Punch-list site and building evaluation at substantial completion. Develop punch list of items for correction. Follow-up site and building evaluation of punch list items at final completion.
- Review of General Contractor’s Operations and Maintenance Manual and warranties.
- Assistance in facilitation of training City staff by vendors regarding building start-up requirements, staff orientation, operation of systems within the building and methods of operation as affected by the building systems (9 hours of Project Manager coordination time included in this proposal) If the City desires further training beyond that specified herein above, such further training shall be an additional service and shall be compensated as such.
- WMB Architects will not make exhaustive or continuous on-site inspections to check the quality or quantity of the work. The firm will also not be responsible for construction means, methods, techniques or procedures or for safety precautions and programs in connection with the work, and will not be responsible for the contractor’s failure to carry out the work in accordance with the contract documents.

Only services specifically described above are included in this proposal.

CLIENT RESPONSIBILITIES

The following are to be provided as a responsibility of the Client and be paid for by the Client:

- A. The Client shall designate, when necessary, a representative authorized to act in the Client’s behalf with respect to the project.
- B. The Client shall pay all jurisdictional and utility agency costs required for permit approval and inspection.

PROJECT SCHEDULE

This proposal was developed with a 180 calendar day construction period timeframe assumption.

FEE PROPOSAL

WMB will provide these services for a fixed fee of \$71,405 as incurred based on the Schedule of Hourly Rates attached, as itemized by discipline below. Reimbursable expenses are in addition to the fee and will be billed at cost plus 10 percent.

WMB Architects	\$50,905
Alexander Scheflo & Associates, Mechanical Engineer	\$11,700
HCS Engineering, Electrical Engineer	\$8,800
Total Construction Administration Fee	\$71,405

Invoices shall be rendered monthly in proportion to the amount of services completed.

If additional services are required beyond the Scope of Services described above, a Change in Project Scope agreement will be prepared for the Client's and Architect's signatures.

Reimbursable expenses include printing and copying documents to develop the design and review the project, and sets required for building department processing, and bid and construction sets of drawings and specifications. WMB does not charge for mileage for client meeting or construction meeting travel.

We look forward to the opportunity to work with you through the successful completion of this construction project. We have attached a Change in Project Scope for your review and signature.

Consultant: WMB ARCHITECTS INC.

Client: CITY OF LODI

By:


(Signature)

By:

(Signature)

Name: Melanie Vieux, Principal Architect
CA License C30857
WMB Architects Inc.
5757 Pacific Ave Suite 226
Stockton CA 95207

Name:

The terms of this document are valid for 90 days from date on page 1. If the proposal is not agreed to within 90 days and a contract signed, the proposal, including proposed fee and schedule, is void and the terms will be re-negotiated.

Approved as to form 

City Attorney



WMB ARCHITECTS
Stockton | Sacramento

Schedule of Hourly Rates – 2015

WMB ARCHITECTS INC.	
Senior Principal Architect	\$160
Principal Architect	\$135
Project Architect	\$125
Staff Architect	\$110
Project Manager	\$100
Interior Designer	\$100
CADD Draftsperson / Project Support	\$85
Clerical	\$55
Mechanical Engineering	
ALEXANDER SCHEFLO & ASSOCIATES	
Principal	\$140
Engineering	\$120
Designer	\$85
Drafting	\$75
Computer Input	\$65
Secretarial	\$65
Electrical Engineering	
HCS ENGINEERING	
Principal Electrical Engineer	\$150
Project/Electrical Engineer	\$110
Project/Electrical Designer	\$ 75
Project Support	\$ 50

REIMBURSABLE EXPENSE RATES

Reimbursable Expenses are in addition to compensation for basic and additional services. Reimbursable expenses such as computer plots, reproduction, color prints, presentation materials, conference calls, postage, and shipping include actual expenditures incurred by WMB Architects in the interest of the project. Reimbursable expenses are billed at 1.1 times direct cost.

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO EXECUTE
CHANGE ORDER NO. 3 TO THE PROFESSIONAL
SERVICES AGREEMENT FOR THE CITY HALL ANNEX
FIRST FLOOR PHASE 2 INTERIOR REMODEL PROJECT

=====

WHEREAS, City Council awarded the Professional Services Agreement for the City Hall Annex first floor remodel to WMB Architects, of Stockton, on August 15, 2012; and

WHEREAS, Change Order No. 3 is for construction administration services during the construction project, allowing WMB to assist City staff in reviewing product data, drawing submittals, and resolving issues related to the daily construction activities as they arise.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute Change Order No. 3 to the Professional Services Agreement for the City Hall Annex First Floor Phase 2 Interior Remodel Project with WMB Architects, of Stockton, California, in the amount of \$71,405.

Dated: April 15, 2015

=====

I hereby certify that Resolution No. 2015-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2015, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. FERRAIOLO
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Update on Emergency Condition at White Slough Water Pollution Control Facility Digesters No. 1 and No. 2
MEETING DATE: April 15, 2015
PREPARED BY: Public Works Director

RECOMMENDED ACTION: Receive update on emergency condition at White Slough Water Pollution Control Facility Digesters No. 1 and No. 2.

BACKGROUND INFORMATION: White Slough Water Pollution Control Facility (WSWPCF) has four covered anaerobic digesters that serve the purpose of breaking down sewage sludge that enters the plant. On July 16, 2014, Council declared an emergency condition in response to concurrent roof failures on Digesters No. 1 and No. 2. Public contract code requires Council to review the emergency action at its next regularly-scheduled meeting and each regularly-scheduled meeting thereafter until the emergency is terminated.

The completed Digester No. 2 roof structure is installed, and work to begin start up procedures continues. Digester No. 2 may be in service at the time of this Council meeting.

As noted in the April 1st Council update, the new roof for Digester No. 1 has been fabricated, coated and set aside until it is time for installation. The task of removing the contents of Digester No. 1 will begin once Digester No. 2 is in service.

The procurement and construction schedule reflecting project milestones is provided below. The work is progressing on the original schedule, and there is no substantial change from last report.

Project Definition Meeting	July 21, 2014
Issue Final Contract Documents	August 1, 2014
Receive GMP Proposals	August 20, 2014
Issue Notice to Proceed	September 15, 2014
Complete Digester No. 2 Improvements	April 2, 2015
Complete Digester No. 1 Improvements	August 27, 2015

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

Prepared by Charlie Swimley, City Engineer / Deputy Public Works Director
FWS/CES/smh

cc: Associate Civil Engineer Nathan
Wastewater Plant Superintendent

Charlie Swimley, City Engineer / Deputy Public Works Director
Construction Project Manager

APPROVED: _____
Stephen Schwabauer, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Set Public Hearing for May 6, 2015 to Consider Adoption of the 2015-16 Annual Action Plan for the Community Development Block Grant Program

MEETING DATE: April 15, 2015

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Set public hearing for May 6, 2015 to consider adoption of the 2015-16 Annual Action Plan for the Community Development Block Grant program.

BACKGROUND INFORMATION: A public hearing is required as part of the federal requirements of the Community Development Block Grant (CDBG) program.

The Annual Action Plan provides a detailed description of each activity proposed as well as the City's CDBG budget for the 2015/16 fiscal year.

The Draft Annual Action Plan was reviewed and approved by the City Council on April 1, 2015 and then made available for public review and comment from April 6th through May 6th. Any public comments received during that 30-day period, and any supplemental information required for the Annual Action Plan document will be provided at the May 6th Public Hearing.

The adopted Action Plan document must be submitted to HUD no later than May 15, 2015 in order to receive funding beginning July 1, 2015.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Stephen Schwabauer
Community Development Director

SS/jw

APPROVED: _____
Stephen Schwabauer, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**
TM

AGENDA TITLE: Public Hearing to Consider Adopting Resolution to Vacate the 0 Block of East Vine Street Between Union Pacific Railroad and Sacramento Street

MEETING DATE: April 15 2015

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Public hearing to consider adopting a resolution to vacate the 0 block of East Vine Street between Union Pacific Railroad and Sacramento Street.

BACKGROUND INFORMATION: The proposed vacation is jointly requested by the property owner of Lodi Iron Works located at 860 South Sacramento Street (APN 045-250-06) and the property owner at 900 South Sacramento Street (APN 045-250-27). In accordance with the provisions of Section 8300 et seq. of the Streets and Highways Code, a legislative body of a local agency may initiate a proceeding to vacate public right-of-way upon request of an interested person(s). Both properties lie adjacent to the 0 block of East Vine Street between Sacramento Street and the Union Pacific Railroad (UPRR) right-of-way, as shown in Exhibit A, and more particularly described as follows, to wit:

Beginning at the southeast corner of Lot 1 as shown on Tract No. 455 Subdivisions of San Joaquin County, Map of Salas Tract; thence South 4°15' West 60.47 feet to the northeast corner of lot 26 as shown on said Map; thence South 87°07' West 125.48 feet; thence North 2°33'41" East 60.27 feet; thence North 87°07' East 127.27 feet along the southerly line of Lot 1 of said Map to the True Point of Beginning.

Both owners requested this portion of Vine Street be vacated in order to enhance business operations and to improve security in an effort to reduce frequent theft and vandalism. Additionally, the fence along the UPRR right-of-way is frequently vandalized, allowing pedestrians to cross the tracks at this location. With the installation of an additional fence adjacent to Sacramento Street, pedestrian crossings of the tracks will be further impeded.

A public utility easement will be retained for water, sanitary, and industrial wastewater mains, valves, and manholes. City personnel will have full access for routine and emergency repairs, maintenance and inspections of public infrastructure. There will be no permanent storage or other above-ground structures or facilities allowed within the easement area. All agencies and departments have been notified of the intent to vacate, and all concerns have been met. Vacating this portion of Vine Street will have no impact on vehicular or pedestrian circulation on Stockton Street or the remainder of Vine Street.

The proposed vacation was approved by the Lodi Planning Commission on Wednesday, March 11, 2015. Minutes of the meeting are attached as Exhibit B. On February 18, 2015, Council adopted a Resolution of Intent (Resolution No. 2015-15) to vacate the 0 block of East Vine Street, as shown in Exhibit C, and set the public hearing for April 15, 2015. Staff has not received any responses from the public.

APPROVED: _____
Stephen Schwabauer, City Manager

Public Hearing to Consider Resolution of Intent to Vacate the 0 Block of East Vine Street Between
Union Pacific Railroad and Sacramento Street April 15, 2015

April 15, 2015

Page 2

An appraisal (based on the per-square-foot value of Walnut Street between Church Street and Pleasant Avenue recently vacated to St. Anne's Church) was used to determine the fair market value of \$13,438.71 for the proposed vacation. Because the additional fencing will deter pedestrians from crossing the UPRR tracks at this location, the City is subtracting the fence installation cost of \$4,262.00 from the appraised value. From this point forward, the fence will be privately owned and maintained by the adjoining property owners. The amount to be paid to the City for the vacated street right-of-way is \$9,176.71 (\$13,438.71 - \$4,262.00).

FISCAL IMPACT: The proposed vacation will eliminate operations and maintenance costs for the 0 block of East Vine Street between Union Pacific Railroad and Sacramento Street.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

FWS/CES/eb

Attachments

cc: Charlie Swimley, City Engineer / Deputy Public Works Director
Denise Wiman, Senior Engineering Technician

PROPOSED STREET ABANDONMENT

**0 BLOCK OF EAST VINE STREET
WEST OF UPRR PARCEL**



APPROXIMATE ABANDONMENT BOUNDARY



1 inch = 40 feet

RESOLUTION NO. P.C. 15-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI THAT DETERMINES THAT THE POSSIBLE ABANDONMENT OF A RIGHT-OF-WAY LOCATED AT 0 BLOCK OF EAST VINE STREET BETWEEN SACRAMENTO STREET AND THE UNION PACIFIC RAILROAD (UPRR) RIGHT OF WAY WILL BE IN CONFORMITY WITH THE CITY'S GENERAL PLAN GOALS AND POLICIES

- WHEREAS,** the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested determination, in accordance with the California Government Code Section 65402.(a); and
- WHEREAS,** the project proponent is City of Lodi, 221 West Pine Street, Lodi, CA 95240; and
- WHEREAS,** the property owner City of Lodi, 221 West Pine Street, Lodi, CA 95240; and
- WHEREAS,** the requested abandonment of a public right of way is located at 0 block of East Vine Street between Sacramento Street and the Union Pacific Railroad (UPRR) right of way, within the City of Lodi; and
- WHEREAS,** the future use of the property will be consistent with the development standards of the adopted General Plan and will be subject to Zoning regulations; and
- WHEREAS,** all legal prerequisites to the adoption of this Resolution have occurred; and

Based upon the evidence in the staff report and project file, the Planning Commission of the City of Lodi makes the following findings:

1. This project is exempt from environmental review under State CEQA Guidelines Section 15305 Class 5, which applies to minor alterations in land use limitations with an average slope of less than 20%, which do not result in any changes in land use or density and the project is also exempt under CEQA Section 15061(b)(3), the general rule that CEQA does not apply to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The project was also found to be categorically exempt according to the California Environmental Quality Act, Article 19 15332 Class 32 (a) (b) (c) (d) and (e). The project is classified as in-fill development meeting the conditions described therein. No significant impacts are anticipated and no mitigation measures have been required. No significant impacts are anticipated and no mitigation measures have been required.
2. The possible abandonment of a public right of way is located at 0 block of East Vine Street between Sacramento Street and the Union Pacific Railroad (UPRR) right of way easement will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document.
3. The proposed abandonment of a right-of-way easement will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or be detrimental or injurious to the health, safety, peace or general welfare of the City.
4. The subject right-of-way easement is no longer needed for a municipal purpose; may facilitate development of the parcel; provide opportunity for infill development; and return land to the tax roll.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that the proposed possible abandonment of a right-of-way easement has been determined to be in conformity with the City's adopted General Plan, and hereby is referred to the City Council for adoption.

Dated: March 11, 2015

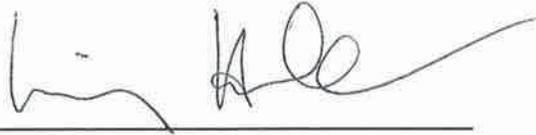
I certify that Resolution No. 15-02 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on March 11, 2015 by the following vote:

AYES: Commissioners: Cummins, Hennecke, Kirsten, Olson, Slater and Chair Kiser

NOES: Commissioners: None

ABSENT: Commissioners: Heinitz

ATTEST



Secretary, Planning Commission

RESOLUTION NO. 2015-15

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE A PORTION OF THE 0 BLOCK OF EAST VINE STREET BETWEEN UNION PACIFIC RAILROAD AND SACRAMENTO STREET, REFER TO THE PLANNING COMMISSION, AND SET A PUBLIC HEARING FOR APRIL 15, 2015

WHEREAS, the property owner of Lodi Iron Works located at 860 South Sacramento Street (APN 045-250-06) and the property owner at 900 South Sacramento Street (APN 045-250-27) jointly request vacation of the 0 block of East Vine Street between Union Pacific Railroad and Sacramento Street; and

WHEREAS, in accordance with Streets and Highways Code §8300 et seq., it is the desire of the City Council of the City of Lodi to vacate such street right-of-way; and

WHEREAS, per Streets and Highways Code, Section 8313, this action will be considered by the Planning Commission on March 11, 2015; and

WHEREAS, a public hearing will be conducted where all persons interested in or objecting to this proposed abandonment and vacation may appear before this City Council and be heard.

NOW, THEREFORE, BE IT RESOLVED that the City Council does declare intent to vacate the 0 block of East Vine Street between Union Pacific Railroad and Sacramento Street; and

BE IT FURTHER RESOLVED, per Streets and Highways Code, Section 8313, this action will be considered by the Planning Commission on March 11, 2015; and

BE IT FURTHER RESOLVED, by the Lodi City Council, that this City Council does hereby fix Wednesday, April 15, 2015, at the hour of 7:00 p.m., in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time and place when and where all persons interested in or objecting to this proposed abandonment and vacation may appear before this City Council and be heard.

Dated: February 18, 2015

I hereby certify that Resolution No. 2015-15 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 18, 2015, by the following vote:

AYES: COUNCIL MEMBERS – Chandler, Kuehne, Mounce, Nakanishi, and Mayor Johnson

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

Jennifer M. Ferraiolo
JENNIFER M. FERRAIOLO
City Clerk

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE LODI CITY COUNCIL
VACATING A PORTION OF THE 0 BLOCK OF EAST
VINE STREET BETWEEN UNION PACIFIC RAILROAD
AND SACRAMENTO STREET, AND FURTHER
AUTHORIZING THE CITY MANAGER TO EXECUTE
AGREEMENTS REQUIRED TO IMPLEMENT THIS
STREET VACATION

=====

WHEREAS, the property owner of Lodi Iron Works located at 860 South Sacramento Street (APN 045-250-06) and the property owner at 900 South Sacramento Street (APN 045-250-27) jointly request vacation of the 0 block of East Vine Street between Union Pacific Railroad (UPRR) and Sacramento Street; and

WHEREAS, in accordance with Streets and Highways Code §8300 et seq., it is the desire of the City Council of the City of Lodi to vacate such street right-of-way; and

WHEREAS, said notice of said intended vacation was regularly given by publication and posting, both in time, form, and manner as required by law as is evidence by affidavits on file and on record in the office of the City Clerk of the City of Lodi; and

WHEREAS, in accordance with the provisions stated herein and also contained in the posted notices of the adoption of said resolution, notice was given that a public hearing would be held before the City Council, Carnegie Forum, 305 West Pine Street, Lodi, beginning at 7:00 p.m., Wednesday, April 15, 2015, where and when any person interested in or objecting to said vacation could appear and be heard in relation thereto; and

WHEREAS, at that time and place, a public hearing was held and conducted and testimony received for and against the action contemplated; and

WHEREAS, at the April 15, 2015, City Council meeting, from the evidence submitted, the City Council of the City of Lodi did determine that the right-of-way that is located at the 0 block of East Vine Street between Sacramento Street and the Union Pacific Railroad (UPRR) right-of-way easement, Lodi, California, County of San Joaquin, State of California, will be unnecessary for present or future public use and did so find and declare; and

WHEREAS, the Planning Commission did find that the subject vacation was consistent with the General Plan of the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED that the City does hereby declare the 0 block of East Vine Street between Union Pacific Railroad and Sacramento Street vacated upon completion and acceptance by the City of the following requirements and conditions for approval:

1. A public utility easement will be retained for water, sanitary, and industrial wastewater mains, valves, and manholes; and

2. City personnel will have full access for public safety, routine and emergency repairs, maintenance and inspections of public infrastructure; and

3. No permanent storage or other above-ground structures or facilities will be allowed within the easement area; and

4. Proponents will install a fence adjacent to Sacramento Street to further prevent access to the UPRR tracks, with the City granting purchase credit in the amount of \$4,262.00 for installation of the fence from the appraised value of the street vacation (\$13,438.71); and

5. From this point forward, the fence will be privately owned and maintained by the adjoining property owners; and

6. Proponents will pay the City of Lodi \$9,176.71 for the vacated street right-of-way.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the required agreements to implement this street vacation.

Dated: April 15, 2015

=====

I hereby certify that Resolution No. 2015-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2015, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. FERRAILOLO
City Clerk



**Please immediately confirm receipt
of this fax by calling 333-6702**

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

**SUBJECT: RESOLUTION OF INTENTION TO VACATE A PORTION OF THE
0 BLOCK OF EAST VINE STREET BETWEEN UNION PACIFIC
RAILROAD AND SACRAMENTO STREET**

**PUBLISH DATE: SATURDAY, MARCH 7, 2015
SATURDAY, MARCH 14, 2015**

LEGAL AD

TEAR SHEETS WANTED: One (1) please

**SEND AFFIDAVIT AND BILL TO: JENNIFER M. FERRAILOLO, CITY CLERK
LNS ACCT. #0510052 City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910**

DATED: MONDAY, MARCH 2, 2015

**ORDERED BY: JENNIFER M. FERRAILOLO
CITY CLERK**

Pamela M. Farris
PAMELA M. FARRIS
DEPUTY CITY CLERK

ELENA STODDARD
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

Emailed
LNS Faxed to the Sentinel at 369-1084 at 11:37 (time) on 3/2/15 (date) 2 (pages)
Phoned to confirm receipt of all pages at _____ (time) _____ ES _____ JMR _____ PMF (initials)

Email proof received.

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2015-15

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE A PORTION OF THE 0 BLOCK OF EAST VINE STREET BETWEEN UNION PACIFIC RAILROAD AND SACRAMENTO STREET, REFER TO THE PLANNING COMMISSION, AND SET A PUBLIC HEARING FOR APRIL 15, 2015

=====

WHEREAS, the property owner of Lodi Iron Works located at 860 South Sacramento Street (APN 045-250-06) and the property owner at 900 South Sacramento Street (APN 045-250-27) jointly request vacation of the 0 block of East Vine Street between Union Pacific Railroad and Sacramento Street; and

WHEREAS, in accordance with Streets and Highways Code §8300 et seq., it is the desire of the City Council of the City of Lodi to vacate such street right-of-way; and

WHEREAS, per Streets and Highways Code, Section 8313, this action will be considered by the Planning Commission on March 11, 2015; and

WHEREAS, a public hearing will be conducted where all persons interested in or objecting to this proposed abandonment and vacation may appear before this City Council and be heard.

NOW, THEREFORE, BE IT RESOLVED that the City Council does declare intent to vacate the 0 block of East Vine Street between Union Pacific Railroad and Sacramento Street, as shown on map on file in the City Clerk's Office; and

BE IT FURTHER RESOLVED, per Streets and Highways Code, Section 8313, this action will be considered by the Planning Commission on March 11, 2015; and

BE IT FURTHER RESOLVED, by the Lodi City Council, that this City Council does hereby fix **Wednesday, April 15, 2015, at the hour of 7:00 p.m.**, in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time and place when and where all persons interested in or objecting to this proposed abandonment and vacation may appear before this City Council and be heard.

Dated: February 18, 2015

=====

I hereby certify that Resolution No. 2015-15 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 18, 2015, by the following vote:

- AYES: COUNCIL MEMBERS – Chandler, Kuehne, Mounce, Nakanishi, and Mayor Johnson
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None

JENNIFER M. FERRAILOLO
City Clerk



DECLARATION OF POSTING

NOTICE OF INTENTION TO VACATE A PORTION OF THE 0 BLOCK OF EAST VINE STREET BETWEEN UNION PACIFIC RAILROAD AND SACRAMENTO STREET

On Monday, March 2, 2015, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing on resolution of intention to annex territory to an existing Community Facilities District (attached and marked as Exhibit A) was posted at the following locations:

Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 2, 2015, at Lodi, California.

ORDERED BY:

**JENNIFER M. FERRAILOLO
CITY CLERK**

Pamela M. Farris
PAMELA M. FARRIS
DEPUTY CITY CLERK

ELENA STODDARD
ADMINISTRATIVE CLERK

NOTICE OF PUBLIC HEARING



RESOLUTION NO. 2015-15

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE A PORTION OF THE 0 BLOCK OF EAST VINE STREET BETWEEN UNION PACIFIC RAILROAD AND SACRAMENTO STREET, REFER TO THE PLANNING COMMISSION, AND SET A PUBLIC HEARING FOR APRIL 15, 2015

=====

WHEREAS, the property owner of Lodi Iron Works located at 860 South Sacramento Street (APN 045-250-06) and the property owner at 900 South Sacramento Street (APN 045-250-27) jointly request vacation of the 0 block of East Vine Street between Union Pacific Railroad and Sacramento Street; and

WHEREAS, in accordance with Streets and Highways Code §8300 et seq., it is the desire of the City Council of the City of Lodi to vacate such street right-of-way; and

WHEREAS, per Streets and Highways Code, Section 8313, this action will be considered by the Planning Commission on March 11, 2015; and

WHEREAS, a public hearing will be conducted where all persons interested in or objecting to this proposed abandonment and vacation may appear before this City Council and be heard.

NOW, THEREFORE, BE IT RESOLVED that the City Council does declare intent to vacate the 0 block of East Vine Street between Union Pacific Railroad and Sacramento Street, as shown on Exhibit A attached hereto and thereby made a part hereof; and

BE IT FURTHER RESOLVED, per Streets and Highways Code, Section 8313, this action will be considered by the Planning Commission on March 11, 2015; and

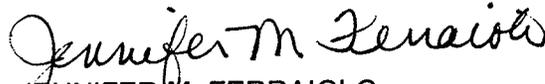
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Dated: February 18, 2015

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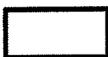
- AYES: COUNCIL MEMBERS – Chandler, Kuehne, Mounce, Nakanishi, and Mayor Johnson
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None


JENNIFER M. FERRAIOLO
City Clerk

PROPOSED STREET ABANDONMENT

**0 BLOCK OF EAST VINE STREET
WEST OF UPRR PARCEL**



 APPROXIMATE ABANDONMENT BOUNDARY



1 inch = 40 feet



DECLARATION OF MAILING

NOTICE OF INTENTION TO VACATE A PORTION OF THE 0 BLOCK OF EAST VINE STREET BETWEEN UNION PACIFIC RAILROAD AND SACRAMENTO STREET

On Monday, March 2, 2015, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Intention to Vacate a Portion of the 0 Block of East Vine Street between Union Pacific Railroad and Sacramento Street, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 2, 2015, at Lodi, California.

ORDERED BY:

**JENNIFER M. FERRAILOLO
CITY CLERK, CITY OF LODI**


PAMELA M. FARRIS
DEPUTY CITY CLERK

ELENA STODDARD
ADMINISTRATIVE CLERK

CITY COUNCIL

BOB JOHNSON, Mayor
MARK CHANDLER,
Mayor Pro Tempore
DOUG KUEHNE
JOANNE MOUNCE
ALAN NAKANISHI

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702 / FAX (209) 333-6807
www.lodi.gov cityclerk@lodi.gov

STEPHEN SCHWABAUER
City Manager
JENNIFER M. FERRAILOLO
City Clerk
JANICE D. MAGDICH
City Attorney

March 2, 2015

TO: Interested Parties

**VACATION: INTENTION TO VACATE A PORTION OF THE 0 BLOCK OF
EAST VINE STREET BETWEEN UNION PACIFIC RAILROAD
AND SACRAMENTO STREET**

This is to inform you that the City Council, at its regular meeting on February 18, 2015, adopted a Resolution of Intention to vacate a portion of the 0 block of East Vine Street between Union Pacific Railroad and Sacramento Street and set a public hearing for April 15, 2015.

Enclosed for your information is a copy of the resolution along with a map of the area to be abandoned.

In addition, this matter will be heard by the Planning Commission on March 11, 2015. Please contact the Community Development Department at (209) 333-6711 if you have any questions.

Should you have questions regarding the abandonment, please contact the Public Works Department at (209) 333-6706.


Jennifer M. Ferraiolo
City Clerk

JMF/pmf

Enclosure

cc: Public Works Director
Community Development Director

NOTICE OF PUBLIC HEARING

EXHIBIT A

RESOLUTION NO. 2015-15

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE A PORTION OF THE 0 BLOCK OF EAST VINE STREET BETWEEN UNION PACIFIC RAILROAD AND SACRAMENTO STREET, REFER TO THE PLANNING COMMISSION, AND SET A PUBLIC HEARING FOR APRIL 15, 2015

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WHEREAS, in accordance with Streets and Highways Code §8300 et seq., it is the desire of the City Council of the City of Lodi to vacate such street right-of-way; and

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Dated: February 18, 2015

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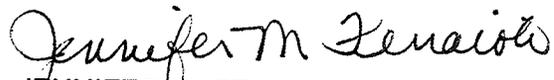
AYES: COUNCIL MEMBERS – Chandler, Kuehne, Mounce, Nakanishi, and Mayor Johnson

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

The foregoing document is certified to be a correct copy of the original on file in the City Clerk's Office.
Pamela M. Farris
Deputy City Clerk, City of Lodi


JENNIFER M. FERRAILOLO
City Clerk

2015-15

By: _____
Dated: _____

PROPOSED STREET ABANDONMENT

0 BLOCK OF EAST VINE STREET
WEST OF UPRR PARCEL



APPROXIMATE ABANDONMENT BOUNDARY



1 inch = 40 feet

**VACATION / ABANDONMENT
MAILING LIST**

RESOLUTION OF INTENTION (Setting Public Hearing)

Certified copy w/cover letter to:

PG&E
12 W. Pine Street
Lodi, CA 95240

AT&T
6505 Tam O Shanter Drive
Stockton, CA 95210

AT&T California
Attn: Engineering/Public Works Dept.
2300 E. Eight Mile Road
Stockton, CA 95210

Central Valley Waste Services
P.O. Box 241001
Lodi, CA 95241-9501

Chief Deputy County Surveyor
Attn: Joe Bussalacci
1810 E. Hazelton Avenue
Stockton, CA 95205

Certified copies to:

Denise Wiman, Public Works

Community Development Department

Police Department

Fire Department



DECLARATION OF MAILING

NOTICE OF INTENTION TO VACATE A PORTION OF THE 0 BLOCK OF EAST VINE STREET BETWEEN UNION PACIFIC RAILROAD AND SACRAMENTO STREET

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There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 2, 2015, at Lodi, California.

ORDERED BY:

**JENNIFER M. FERRAILOLO
CITY CLERK, CITY OF LODI**

A handwritten signature in cursive script that reads "Pamela M. Farris".

**PAMELA M. FARRIS
DEPUTY CITY CLERK**

**ELENA STODDARD
ADMINISTRATIVE CLERK**

CITY COUNCIL

BOB JOHNSON, Mayor
MARK CHANDLER,
Mayor Pro Tempore
DOUG KUEHNE
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STEPHEN SCHWABAUER
City Manager
JENNIFER M. FERRAILOLO
City Clerk
JANICE D. MAGDICH
City Attorney

March 2, 2015

TO: Interested Parties

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Should you have questions regarding the abandonment, please contact the Public Works Department at (209) 333-6706.


Jennifer M. Ferraiolo
City Clerk

JMF/pmf

Enclosure

cc: Public Works Director
Community Development Director

NOTICE OF PUBLIC HEARING



RESOLUTION NO. 2015-15

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE A PORTION OF THE 0 BLOCK OF EAST VINE STREET BETWEEN UNION PACIFIC RAILROAD AND SACRAMENTO STREET, REFER TO THE PLANNING COMMISSION, AND SET A PUBLIC HEARING FOR APRIL 15, 2015

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WHEREAS, in accordance with Streets and Highways Code §8300 et seq., it is the desire of the City Council of the City of Lodi to vacate such street right-of-way; and

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Dated: February 18, 2015

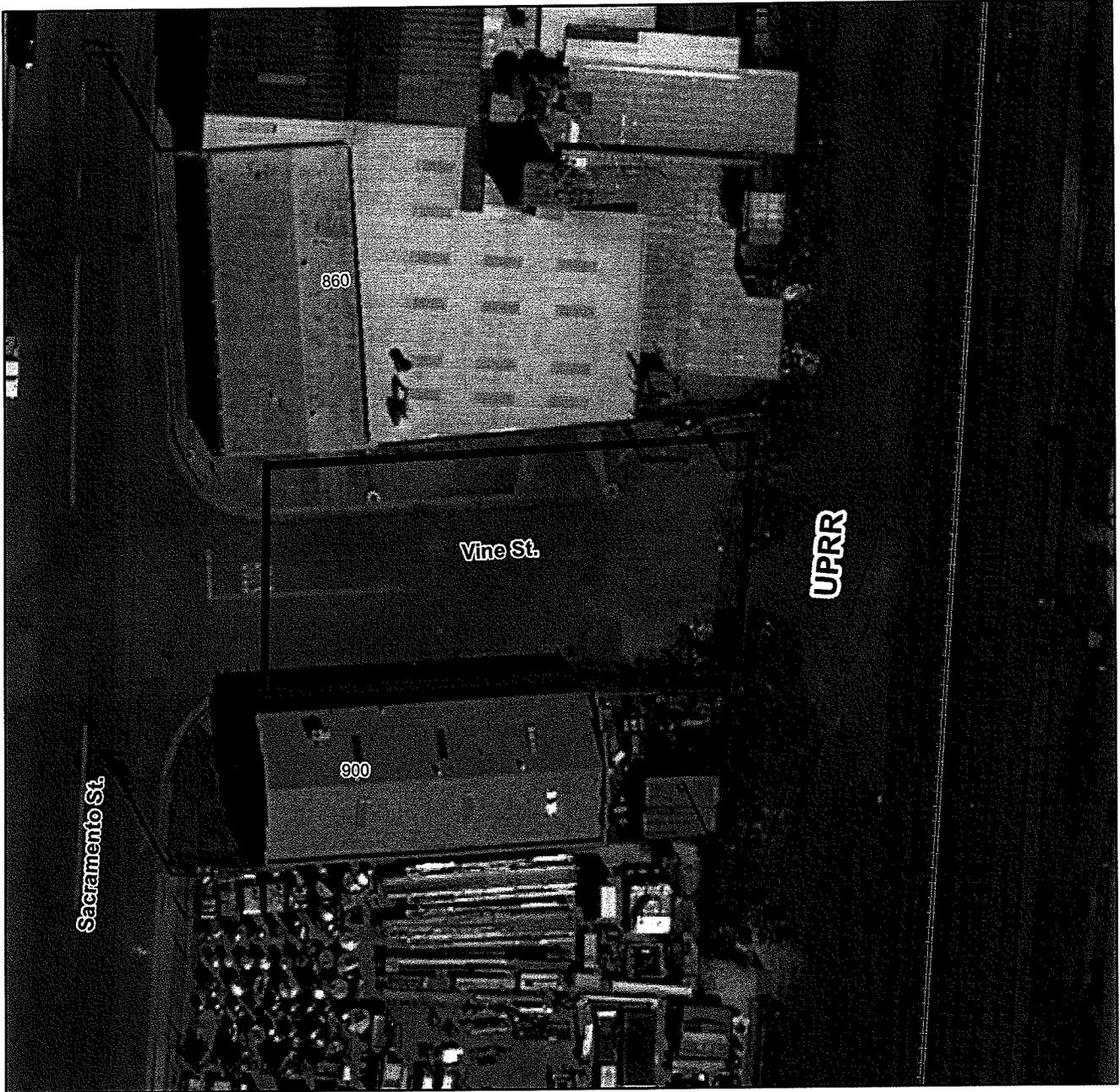
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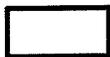
- AYES: COUNCIL MEMBERS – Chandler, Kuehne, Mounce, Nakanishi, and Mayor Johnson
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None

Jennifer M Ferraiolo
JENNIFER M. FERRAILOLO
City Clerk

PROPOSED STREET ABANDONMENT

0 BLOCK OF EAST VINE STREET
WEST OF UPRR PARCEL



 APPROXIMATE ABANDONMENT BOUNDARY



1 inch = 40 feet

EXHIBIT B

FURUOKA, JULIA R TR 24 SIERRA VISTA PL City Lodi CA 95240	RALL, RONALD & LINDA 20 SIERRA VISTA PL City Lodi CA 95240	GARZA, CYNTHIA A 16 SIERRA VISTA PL City Lodi CA 95240
BOZZELLI, BENNY & DEBRA TR 468 YOKUTS DR City Lodi CA 95240	BOZZELLI, BENNY & DEBRA TR 468 YOKUTS DR City CA 95240	SEIBEL, ARNE ETAL 25157 N EUNICE AVE City Acampo CA 95220
NEWFIELD, JOSEPH K III & SHEIL 19000 N LOWER SACRAMENTO RD City Woodbridge CA 95258	LUCIANO, PEDRO & GABINA 21 SIERRA VISTA PL City Lodi CA 95240	KHAN, YASMIN 537 HIGHMOOR AVE City Stockton CA 95210
LAWRENCE, LARRY M & TERI G TR 110 E TADDEI RD City Acampo CA 95220	SHAKOOR, FYYAZ ETAL 1030 S HUTCHINS ST 4-115 City Lodi CA 95240	SCHULENBURG, ROBERT W TR 15470 MOORE RD City Lodi CA 95242
LAWRENCE, LARRY M & TERI G TR 110 E TADDEI RD City Acampo CA 95220	SCHULENBURG, ROBERT W TR 15470 MOORE RD City CA 95242	LEMKE, DAVID J 22 W VINE ST City Lodi CA 95240
CARRANZA, ANDRES ETAL 900 S SCHOOL ST City Lodi CA 95240	DILLON, RICHARD E & WANDA L TR 252 HERON DR City Pittsburg CA 94565	TRAVIS, WILLIAM R & P M 8 W VINE ST City Lodi CA 95240
HEINE, BEVERLY J TR 704 WINDSOR DR City Lodi CA 95240	MAHMOOD, TARIQ 611 PORT-LANGLANE City Galt CA 95632	ADAN, JUANA PAREDES 25 W VINE ST City Lodi CA 95240
CHASE, HARVEY W TR 4 W VINE ST City Lodi CA 95240	PACIFIC COAST PRODUCERS 631 N CLUFF AVE City Lodi CA 95240	PACIFIC COAST PRODUCERS PO BOX 1600 City Lodi CA 95241
NOBRIGA, JOHN & KARRIE TR 15402 N RAY RD City Lodi CA 95242	GALLO, JUAN G & E 13 W VINE ST City Lodi CA 95240	LODI, IRON WORKS INC PO BOX 1150 City Lodi CA 95241
GALLO, GILBERTO ETAL 444 STANISLAUS ST City Lodi CA 95240	OLIVA, JANETT FRIAS PO BOX 151 City Lodi CA 95241	YARBOROUGH, JANET GRIFFIN ETA 119 N CRESCENT AVE City CA 95240
UNION PACIFIC RAILROAD COMPANY 1400 DOUGLAS ST STOP 1640 City Omaha NE 68179	YARBOROUGH, JANET GRIFFIN ETA 119 N CRESCENT AVE City Lodi CA 95240	ZAVALA, DONALD 841 S SACRAMENTO ST City Lodi CA 95240
STRATTON, WANDA MAE 844 S SCHOOL ST City Lodi CA 95240	STRATTON, WANDA MAE 844 S SCHOOL ST City CA 95240	SCOTT, KEITH & ALICIA Y 840 S SCHOOL ST City Lodi CA 95240
STRATTON, WANDA MAE 844 S SCHOOL ST City Lodi CA 95240	JOHNSTON, BOBBI 835 S SACRAMENTO ST City Lodi CA 95240	NEAL, LEO C & ALMA J TR 827 S SACRAMENTO ST City Lodi CA 95240
SHAH, GUL HUSSAIN ETL 2259 KATZAKIAN WAY City Lodi CA 95242	GONZALEZ, ROBERTO HUERTA 217 E OAK ST City Lodi CA 95240	VAN STEENBERGE, MICHAEL ETAL 1208 DEVINE DR City Lodi CA 95240
EPPERSON, RALPH D 826 S SCHOOL ST City Lodi CA 95240	LODI IRON WORKS INC PO BOX 1150 City CA 95241	

REICH PROPERTIES
20 S CLUFF AVE
~~City Lodi~~ CA

95240

~~REICH PROPERTIES
20 S CLUFF AVE
City CA~~

95240

~~REICH PROPERTIES
20 S CLUFF AVE
City CA~~ 95240

LODI IRON WORKS, INC
PO BOX 1150
~~City Lodi~~ CA

95241

~~VAN GUNDY, MICHAEL W & GINA L
818 S SCHOOL ST
City Lodi CA~~

95240

~~VAN STEENBERGE, MICHAEL TR ET
PO BOX 436
City Lodi CA~~ 95241

SKELTON, JAY & DORIS
814 S SCHOOL ST
~~City Lodi~~ CA

95240

~~VAN STEENBERGE, MICHAEL TR ET
PO BOX 436
City CA~~

95241

~~OBERMAIER, CARL & CORY
808 S SCHOOL ST
City Lodi CA~~ 95240

~~VAN STEENBERGE, MICHAEL TR ET
PO BOX 436
City CA~~

95241

~~STRATTON, WANDA MAE
844 S SCHOOL ST
City CA~~

95240

~~STRATTON, WANDA MAE
844 S SCHOOL ST
City CA~~ 95240

REICH PROPERTIES
20 S CLUFF AVE
City CA

95240

~~REICH PROPERTIES
20 S CLUFF AVE
City CA~~

95240

~~REICH PROPERTIES
20 S CLUFF AVE
City CA~~ 95240

DECLARATION OF POSTING

On March 13, 2015, in the City of Lodi, San Joaquin County, California, I, Denise Wiman, of the City of Lodi, served the attached notice by posting copies upon the premises in the 800 and 900 Blocks of South Sacramento Street, Lodi, CA. as shown on Exhibit A attached and described in Resolution No. 2015-15 Lodi, California, as prescribed in Section 8323 of the Streets and Highways Code.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 13, 2015, at Lodi, California


Signature

**NOTICE OF
VACATION**

PUBLIC HEARING

**CARNEGIE FORUM
305 WEST PINE ST
LODI, CA
7:00 PM
APRIL 15, 2015**

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2015-15

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO VACATE A PORTION OF THE 0 BLOCK OF EAST VINE STREET BETWEEN UNION PACIFIC RAILROAD AND SACRAMENTO STREET, REFER TO THE PLANNING COMMISSION, AND SET A PUBLIC HEARING FOR APRIL 15, 2015

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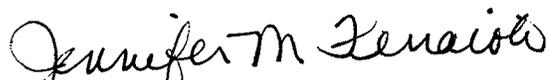
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AYES: COUNCIL MEMBERS – Chandler, Kuehne, Mounce, Nakanishi, and Mayor Johnson

NOES: COUNCIL MEMBERS – None

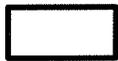
ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


JENNIFER M. FERRAILOLO
City Clerk

PROPOSED STREET ABANDONMENT

**0 BLOCK OF EAST VINE STREET
WEST OF UPRR PARCEL**



APPROXIMATE ABANDONMENT BOUNDARY



1 inch = 40 feet



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Provide Direction to Staff on Request from Reynolds Ranch, Westside and Southwest Gateway Annexation Projects to Reduce Community Facilities District (CFD) Fees and Reduce Annual CFD Indexing

MEETING DATE: April 15, 2015

PREPARED BY: City Manager

RECOMMENDED ACTION: Provide direction to staff on request from Reynolds Ranch, Westside and Southwest Gateway annexation projects to reduce Community Facilities District (CFD) fees and reduce annual CFD indexing.

BACKGROUND INFORMATION: The City of Lodi created a Community Facilities District (“CFD”) for Service in 2007 as a condition of its most recent annexations of Reynolds Ranch, and the Westside and Southwest Gateway Annexations. CFD’s for Service are relatively new in use in municipal finance. However, unlike CFD’s for infrastructure (commonly known as Mello-Roos Districts) CFD’s for Service fund things such as landscaping and lighting, police and fire services, parks service and other items traditionally funded by the General Fund. At the time, the fee was set at \$600 per year for single family homes and \$175 for multi-family units (See attached letters). The fee is subject to annual indexing of the greater of the Consumer Price Index or 5 percent. The index is applied July 1 of each year. As such, the fee is currently set at \$804.00 per year and will be \$844 per year by the time the first house is occupied. Actual total inflation from 2007 to date totals 13 percent according to the Bureau of Labor Statistics. However, the minimum inflation factor set by the approved formula has been 40 percent. Although a 5 percent minimum may have been reasonable upon the adoption of the CFD, it is generally understood that the economy did not perform as expected in 2008. It is also worth noting that average property taxes in Lodi are approximately \$400 per year*, less than half of what these new homes will pay in CFD fees alone. It should be noted that Rose Gate homes are expected to be priced around \$400,000 resulting in about \$650 in municipally-directed property taxes. In light of the significant difference between inflation and the minimum escalator, staff believes it is appropriate for the City to consider the request.

However, any recognition of the economic disadvantages faced by these projects would be incomplete without addressing the City’s current Impact Fee program discounts. As Council is aware, the developers of these projects filed vesting tentative maps that, if extended, could allow many of the currently vested units to develop at \$5,940 per unit instead of the program calculated \$23,195. Van Ruiten Ranch has 200 vested single-family units plus 88 unvested High Density units; Reynolds Ranch has 227 vested single family units plus 330 unvested High Density Units and Rose Gate has 232 vested single-family units.

** A house valued at \$250,000 would pay 1 percent of that amount in total property taxes (\$2,500) and 16 percent of that amount is then paid to Lodi (\$400).*

APPROVED: _____
Stephen Schwabauer, City Manager

As Council recalls, the discount program was initiated to spur development for a three-year period. However, the vesting map process could substantially increase that time frame. As such, staff considers it fair to allow units to develop at the discount for limited period at the start at discounted rates to recognize the original intent of the program. Staff requests authority to negotiate with the requestors a reduction in CFD fees to \$500 per single-family unit and \$175 per multi-family unit and reduce the index to the greater of CPI or percent. Such a change would reflect actual economic performance and also manage to exchange CFD fees for a waiver of any rights the developers may have to the 60-percent discount for units that do not pull a building permit (and complete construction within six months) within a brief negotiated time frame. Staff will return to Council for approval of any resulting agreement and for adoption of revisions to the CFD program if the requested authority is granted.

FISCAL IMPACT: Undetermined at this time.

FUNDING AVAILABLE: Not applicable.

Stephen Schwabauer, City Manager

Attachment

March 6, 2015

Mayor & City Council
City of Lodi
c/o Mr. Steve Schwabauer, City Manager
221 W. Pine Street
Lodi, CA 95240

RE: Request to Revise City of Lodi Community Facilities District 2007-1

Dear Steve,

The undersigned owners of Vesting Tentative Subdivision maps, which were approved along with their required Growth Management allocations in 2013, (Rose Gate), and 2014, (Van Ruiten and Reynolds Ranch Residential), request that the City of Lodi revise the Lodi Community Facilities District 2007-1, (the "CFD", or "District"). We believe the requirement for a minimum annual assessment increase of 5% established at formation of the CFD has already raised the assessments to an unreasonable level and will result in an unsustainable District.

The CFD has essentially been dormant since formation in 2007. The lack of development and construction has resulted in no assessments being made and, likewise, no maintenance cost to the District. However, due to the minimum annual rate increase of 5%, the assessments have risen from approximately \$500 to almost \$900 per home. The minimum annual increase has outpaced the local Consumer Price Index (CPI) by nearly 5 times. At this level of assessment, it will have a negative effect on new home buyers and within 3 years the adjustment will be well over \$1,000. In our opinion, future homeowners will not tolerate such an onerous amount.

It should be noted that most homeowners in the City of Lodi are not part of any maintenance district and pay no similar fees or assessments. In the more recently developed neighborhoods, lighting maintenance districts (LLD's) were formed. The annual assessment fees for the LLD's have actually dropped in recent years and now average approximately \$60 per house.

Finally, we've attached a schedule showing the City's property tax assessments by Tax Rate Area. You'll see that the first two Tax Rate Areas comprise 96% of the City's parcels. The average assessed value and the average property tax for those parcels is \$230,050 and \$2,531 respectively. The City of Lodi receives approximately 16.47% of the property tax from these parcels or about \$416 per year. We expect that the property tax rate base from the new neighborhoods in the CFD will be significantly higher. The homes will be larger on average and sold at current values.

We request specifically 2 revisions, 1) reset the base assessment to \$500, and 2) revise the annual adjustment to 2% or the local CPI whichever is less. Attached is additional data that we believe supports the need to reset and first year assessment and the annual adjustment criteria.

We look forward to discussing this matter further with you and the City Council as soon as possible.

Best Regards,

Tom Doucette
for Rose Gate

for Van Ruiten

for Reynolds Ranch
Residential

Frontiers
Secured Property Tax Analysis-City of Lodi
For the 2014 / 2015 Tax Year

Tax Rate Area (TRA)	Parcel Count	Net Assessed Value Secured	Average Net Assessed Value Per Parcel	Secured Property Tax Rate	Secured Property Taxes	Secured Property Taxes Per Parcel	Factor For Prop. Taxes Paid Back to the City of Lodi	Secured Prop. Taxes Paid Back to the City of Lodi	Secured Prop. Taxes Paid Back to the City of Lodi per Parcel
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001-023	16	2,830,306	176,894.13	1%	28,303	1,769	0.180037	5,096	318
001-068	1	78,168	78,168.00	1%	782	782	0.182371	143	143
Total	<u>18,947</u>	<u>4,836,865,197</u>			<u>48,368,652</u>			<u>7,982,777</u>	

March 9, 2015

Mayor & City Council
City of Lodi
c/o Mr. Steve Schwabauer, City Manager
221 W. Pine Street
Lodi, CA 95240

RE: Request to Revise City of Lodi Community Facilities District 2007-1

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We look forward to discussing this matter further with you and the City Council as soon as possible.

Best Regards,

A handwritten signature in blue ink, appearing to read "Dale M. Bell". The signature is written in a cursive style with a prominent initial "D".

for Rose Gate

for Van Ruiten

for Reynolds Ranch
Residential

Frontiers
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For the 2014 / 2015 Tax Year

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March 9, 2015

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City of Lodi
c/o Mr. Steve Schwabauer, City Manager
221 W. Pine Street
Lodi, CA 95240

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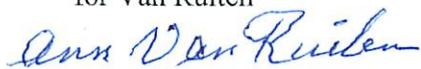
We look forward to discussing this matter further with you and the City Council as soon as possible.

Best Regards,

for Rose Gate

for Van Ruiten

for Reynolds Ranch


Trustee, General Partner,
Van Ruiten Ranch, LTD

Residential

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**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Provide Direction Regarding Downtown Tree Well Up-Lighting Options and Funding

MEETING DATE: April 15, 2015

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Provide direction regarding downtown tree well up-lighting options and funding.

BACKGROUND INFORMATION: At a Shirtsleeve Session held on February 24, 2015, Council received information regarding downtown lighting conditions, options and funding. The options presented focused on replacing the existing 140 tree well up-lights along School Street between Lodi Avenue and Locust Street with rope lights wrapped around the trunks of 110 trees along the same corridor. The rope lights were suggested due to the price of materials and installation associated with replacing the existing up-light system in kind. Prior to this meeting, Public Works staff completed a mock-up of a non-LED rope light installation at 123 North School Street to provide a visual example of how the rope lights would look. The estimated cost to install LED rope lights is \$370 per tree, including, labor and materials. The estimated total cost to install the LED rope lights on all 110 trees is \$40,700.

After consideration and feedback from downtown business owners, staff was requested to further explore repairing the existing up-light system for the 140 tree well up-lights on School Street between Lodi Avenue and Locust Street.

Public Works has purchased and installed an LED retrofit lamp and power kit manufactured by Hydrel (the same manufacturer of the existing up-lights) for a mock-up installation at the tree well located near 115 South School Street. This location also includes a relocated electrical outlet. This mock-up was completed in an effort to help determine the quantity of work associated with each tree well and to provide an example of the proposed LED up-light retrofit option. The estimated cost to retrofit the existing tree well up-lights is estimated at \$1,700 per light, including labor and materials. The estimated total cost to retrofit all 140 up-lights is \$237,000. This cost includes replacing the existing light housing.

There may be an opportunity to use Public Benefits funds to replace the existing tree well up-light lamps with energy efficient LED lamps.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

FWS/smh

APPROVED: _____
Stephen Schwabauer, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Approving Memorandum of Understanding between the City of Lodi and the Lodi City Mid-Management Association for the Period January 1, 2015 through December 31, 2017 and Appropriating Funds (\$38,880)

MEETING DATE: April 15, 2015

SUBMITTED BY: Human Resources Manager

RECOMMENDED ACTION: Adopt resolution approving the Memorandum of Understanding between the City of Lodi and the Lodi City Mid-Management Association for the Period January 1, 2015 through December 31, 2017 and appropriating funds (\$38,880).

BACKGROUND INFORMATION: Representatives from the City and LCMMA have reached a tentative agreement on a new Memorandum of Understanding (MOU), subject to the approval of Council.

A redline strikeout version of the MOU is attached for Council review and approval. The redline version also reflects the relocation of two articles within the MOU. A summary of the key changes to the MOU are as follows:

- The term of the MOU shall be from January 1, 2015 through December 31, 2017.
- Effective January 5, 2015, and following City Council approval, the City agrees to provide a 3 percent Cost of Living Adjustment (COLA), a 2 percent COLA effective the first full pay period in calendar year 2016, and a 2 percent COLA effective the first full pay period in calendar year 2017.
- Special Assignment Pay of 10 percent for employees assigned to a one-time special or major project.
- Temporary Upgrade Pay of 10 percent for employees assigned to a higher classification for a period of three or more days.
- Employees are eligible to cash out up to eighty (80) hours of their current Administrative Leave.
- The City agrees to re-open negotiations with LCMMA only in the event that the premium for the lowest cost HMO in the Lodi geographical area increases 20 percent or more in one year.

Lodi's employees agreed to voluntary decreases in total compensation in every year from 2009 through 2012. When the 2012 MOUs expired, Lodi's miscellaneous employees agreed to a permanent reduction in total compensation of seven percent. These voluntary employee reductions allowed the City to survive the Great Recession, stabilize its weak reserve and perform needed capital improvements. During this same period, the cost of living has increased by 11.8 percent (San Francisco-Oakland-San Jose CPI-U).

Most City employees have not seen an increase in base pay since 2007 or 2008 depending upon bargaining unit. The City is now in a position to grant a small increase in base pay as a result of increased revenues and prudent expense management. The base pay increases are structured in such a fashion that they are sustainable over the term of the agreement from current reserves in excess of the Council-approved General Fund reserve target. Funding for the final year of the agreement assumes that revenues and expenditures will match current City projections.

APPROVED: _____
Stephen Schwabauer, City Manager

Lodi certainly faces funding challenges ahead and must plan for them. It also faces continued fiscal stress to a work force that contributed significantly to addressing the fiscal impact of the Great Recession. Although the current excess over our reserve target could certainly be invested in other fashions, staff believes that investing in our employees is the most appropriate use of these funds.

Staff recommends that the Council approve the MOU between the City and LCMMA.

FISCAL IMPACT: Total cost of the proposed agreement is \$752,276, of which \$79,880 is applicable to FY 2014/15; \$204,688 is applicable to FY 2015/16; \$296,258 is applicable to FY 2016/17; and \$171,450 is applicable to FY 2017/18. The FY 2014/15 component of this proposal is not included in the 2014/15 budget and will require an appropriation in the General Fund of \$38,880. Funding is available from the General Fund dollars in excess of the 2013/14 reserve target and the Utility funds. Funding for these increased costs will be included in each year's budget.

FUNDING AVAILABLE: Funding for this item will be provided by funds in excess of the General Fund reserve target established by Council. Increased costs in the Utilities will be absorbed within existing appropriations.

Adele Post, Human Resources Manager

Jordan Ayers, Deputy City Manager

Attachment

MEMORANDUM OF UNDERSTANDING

BETWEEN

CITY OF LODI

AND

LODI CITY MID-MANAGEMENT ASSOCIATION

~~JANUARY 1, 2014 – DECEMBER 31, 2014~~

JANUARY 1, 2015 – DECEMBER 31, 2017

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MID-MANAGEMENT

ACCOUNTANT

ASSISTANT ENGINEER
ASSISTANT ENGINEER/PLANS EXAMINER
ASSISTANT PLANNER
ASSOCIATE CIVIL ENGINEER
ASSOCIATE PLANNER
BUILDING OFFICIAL

~~CHIEF WATER PLANT OPERATOR~~

COMMUNITY CENTER MANAGER
COMPLIANCE ENGINEER
CONSTRUCTION PROJECT MANAGER
DEPUTY PUBLIC WORKS DIRECTOR – CITY ENGINEER
DEPUTY PUBLIC WORKS DIRECTOR – UTILITIES
ELECTRIC SUPERINTENDENT
ELECTRIC UTILITY RATE ANALYST

ELECTRICAL ENGINEER

INFORMATION SYSTEMS MANAGER
LIBRARIAN I/II
LITERACY/VOLUNTEER MANAGER
MANAGEMENT ANALYST
MANAGER, ENGINEERING & OPERATIONS
NEIGHBORHOOD SERVICES MANAGER
NETWORK ADMINISTRATOR
PARK SUPERINTENDENT

PUBLIC WORKS MANAGEMENT ANALYST

RATES & RESOURCES MANAGER
RECREATION MANAGER
RECREATION SUPERINTENDENT
SENIOR CIVIL ENGINEER
SENIOR PLANNER
SENIOR POWER ENGINEER
SENIOR PROGRAMMER/ ANALYST
SUPERVISING ACCOUNTANT
TRANSPORTATION MANAGER/ SR. TRAFFIC ENGINEER
UTILITY SUPERINTENDENT
WASTEWATER PLANT SUPERINTENDENT

WATER PLANT SUPERINTENDENT

TABLE OF CONTENTS

ARTICLE I - SALARY AND TERM 1
ARTICLE II - OPERATOR D-5 INCENTIVE 2
ARTICLE III - DEFERRED COMPENSATION..... 2
ARTICLE IV - SPECIAL ASSIGNMENT PAY 2
ARTICLE V – TEMPORARY UPGRADE PAY 2
ARTICLE VI – OVERTIME..... 3
ARTICLE VII - RETIREMENT..... 3
ARTICLE VIII - VACATION LEAVE..... 4
ARTICLE IX - ADMINISTRATIVE LEAVE 5
ARTICLE X – HOLIDAYS 5
ARTICLE XI - SICK LEAVE 6
ARTICLE XII - SICK LEAVE CONVERSION 6
ARTICLE XIII – MEDICAL INSURANCE..... 8
ARTICLE XIV - DENTAL INSURANCE 8
ARTICLE XV - VISION INSURANCE 8
ARTICLE XVI – CHIROPRACTIC 9
ARTICLE XVII - FLEXIBLE SPENDING ACCOUNT 9
ARTICLE XVIII - LIFE INSURANCE 9
ARTICLE XIX - LONG-TERM DISABILITY INSURANCE..... 9
ARTICLE XX - LEAVES AND LEAVES OF ABSENCE 9
ARTICLE XXI – TUITION REIMBURSEMENT 11
ARTICLE XXII – PROBATION 13
ARTICLE XXIII - PERSONAL LIABILITY 14
ARTICLE XXIV - GRIEVANCE PROCEDURE..... 14
ARTICLE XXV - DISCIPLINARY PROCEDURE & PROCEEDINGS..... 15
ARTICLE XXVI – CITY RIGHTS 19
ARTICLE XXVII – EMPLOYEE REPRESENTATION 20
ARTICLE XXVIII – SEVERABILITY 20
ARTICLE I – SALARY AND TERM 1
ARTICLE II – OPERATOR D-5 INCENTIVE 1
ARTICLE III – DEFERRED COMPENSATION..... 1
ARTICLE IV – SPECIAL PROJECT INCENTIVE..... 1
ARTICLE V – WORKING ABOVE CLASS 2
ARTICLE VI – OVERTIME..... 2
ARTICLE VII – RETIREMENT..... 3

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ARTICLE XVI – CHIROPRACTIC	8	Formatted: Default Paragraph Font, Check spelling and grammar
ARTICLE XVII – FLEXIBLE SPENDING ACCOUNT	8	Formatted: Default Paragraph Font, Check spelling and grammar
ARTICLE XVIII – LIFE INSURANCE	8	Formatted: Default Paragraph Font, Check spelling and grammar
ARTICLE XIX – LONG TERM DISABILITY INSURANCE	8	Formatted: Default Paragraph Font, Check spelling and grammar
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ARTICLE XXI – TUITION REIMBURSEMENT	10	Formatted: Default Paragraph Font, Check spelling and grammar
ARTICLE XXII – PROBATION	12	Formatted: Default Paragraph Font, Check spelling and grammar
ARTICLE XXIII – PERSONAL LIABILITY	13	Formatted: Default Paragraph Font, Check spelling and grammar
ARTICLE XXIV – GRIEVANCE PROCEDURE	13	Formatted: Default Paragraph Font, Check spelling and grammar
ARTICLE XXVI – CITY RIGHTS	18	Formatted: Default Paragraph Font, Check spelling and grammar
ARTICLE XXVII – EMPLOYEE REPRESENTATION	19	Formatted: Default Paragraph Font, Check spelling and grammar
ARTICLE XXVIII – SEVERABILITY	19	Formatted: Default Paragraph Font, Check spelling and grammar
ATTACHMENT A – SALARY SCHEDULE.....	20	Formatted: Default Paragraph Font, Check spelling and grammar
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ARTICLE I - SALARY AND TERM

1.1 ~~If any City bargaining unit, bargaining group, executive management as a group, appointees as a group or City Council receives a salary increase, or a one time restoration payment that is greater than the Base Payment of \$2,300 received by LCMMA per Article 1.5 of this MOU (excluding step increases or the equivalent) or a higher value medical and/or retirement benefit (except IBEW EMPLOYEE SHARE OF retirement and IBEW MEDICAL CAP IMPLEMENTATION) applicable to all members of the group for the MOU negotiated (or last best and final offer imposed) that otherwise expired on November 30, 2013 or December 31, 2013, or by resolution adopted by council, this unit will receive the same benefit.~~

City shall provide a cost of living adjustment (COLA) of three (3.0) percent effective the first full pay period that begins after January 1, 2015.

For calendar year 2016, the City shall provide a cost of living adjustment (COLA) of two (2.0) percent effective the first full pay period that begins after January 1, 2016.

For calendar year 2017, the City shall provide a cost of living adjustment (COLA) of two (2.0) percent effective the first full pay period that begins after January 1, 2017.

1.2 Salary shall be as noted in Attachment A.

1.3 Employees designated by the Department Head and approved by the City Manager who have passed a bilingual proficiency examination administered by the City shall receive a monthly bilingual supplement of \$150.00. The City Manager has the discretion in determining eligible languages.

1.4 The terms and conditions of this MOU shall continue in effect until such time as they are superseded by a signed agreement/MOU between the City of Lodi and the LCMMA or by other means permitted by the Meyers Milias Brown Act. The term of the MOU shall be January 1, ~~2014~~2015 through December 31, ~~2014~~2017.

Negotiations will commence no later than October 31, ~~2014~~2017.

~~1.5 City shall provide a one time payment of \$2,300 to each member of this bargaining unit who is employed by the City on the date of approval of this MOU by the City Council. Payment will be made in a lump sum manner along with a regularly scheduled pay check within two pay periods of the approval of this MOU by the City Council.~~

ARTICLE II - OPERATOR D-5 INCENTIVE

2.1 The City agrees to provide the Utility Superintendent an incentive of \$40.00 per month in recognition of his possession of Water Distribution Operator, Grade D-5 certificate. This incentive is limited to employees hired prior to February 2, 2012.

ARTICLE III - DEFERRED COMPENSATION

3.1 Employees may participate in the City's Deferred Compensation Plan.

3.2 City matches up to a maximum of 3.0% of base salary.

ARTICLE IV - ~~FLEXIBLE SPENDING ACCOUNT~~SPECIAL ASSIGNMENT PAY

4.1 ~~Employees who are assigned by the Department Head or designee to work on a one-time special or major project shall be paid an additional 10% of the employee's regular base salary while working on the project. City Manager approval must be obtained prior to the employee working on the special project. It is mutually agreed that assignments are at the sole discretion of the Department Head, subject to City Manager approval. Employees in such positions acknowledge, as does LCMMA, that employees may be transferred or removed from the special project on a non-punitive basis and that they have no right to appeal from such transfer or removal.~~ shall have the option of participating in the Flexible Spending Account (Section 125 Plan). ~~Employees may elect to participate in:~~

a) ~~Premium Conversion~~

b) ~~Non-reimbursed Health Care~~

e) ~~Dependent Care Reimbursement~~

4.2 ~~Elections for the calendar year will be made each December, or if a change in family status occurs. Money deposited into the Plan will be forfeited as required by the plan and or applicable law.~~

ARTICLE V – ~~TEMPORARY UPGRADE PAY~~ CHIROPRACTIC

5.1 ~~Chiropractic services may be received by employees and dependents through a chiropractic insurance plan.~~ Any employee who is assigned by the Department Head or designee, and with the approval of the City Manager, ~~to a higher classification in the absence of the incumbent for a period of three or more days, shall receive a 10% wage increase while in this status. However, in no event shall the upgrade pay per hour exceed the top step of the classification to which the employee is temporarily upgraded. City~~

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Manager approval must be obtained prior to the employee working in the higher classification.

ARTICLE VI – OVERTIME

- 6.1 Due to the fact that the classifications in this bargaining unit are deemed exempt from the overtime requirements of the Fair Labor Standards Act (FLSA), the following special provisions for the payment of overtime will apply. Employees shall be compensated for overtime at the time and one-half rate for time worked due to emergencies. Emergencies shall be determined by the appropriate department head and include but are not limited to such events as:
- Major storm damage requiring the dispatching of additional crews;
 - The necessity to cover scheduled shifts;
 - Direct supervision of crews assigned to work during normal days off to accommodate the public;
 - Break down of equipment and/or systems requiring the presence of the mid-manager in order to restore service.
- 6.2 Overtime pay shall not be paid for the following:
- Staff meetings
 - Special projects
 - Conferences and seminars - except as noted below
 - Appearances before City Council and commissions,
 - Public information presentations,
 - Activities involved with the completion of normal activities or programs such as budgets, inventory, annual financial closings, labor negotiations, and recreation programs.
- 6.3 All overtime must be approved by the department head. Any deviations from these guidelines must be approved in advance by the department head and the City Manager.
- 6.4 Upon promotion into a Mid-Management position all previously accrued compensatory time must be paid or used prior to the promotion.

ARTICLE VII - RETIREMENT

- 7.1 The City of Lodi provides retirement benefits through the Public Employees Retirement System. Employees shall receive the following retirement benefits for employees deemed to be “classic” employees by PERS:
- Miscellaneous 2% @ 55 plan
- 1957 Survivors Benefit
 - 1959 (Plus 25%) Survivors Benefit

- Ordinary disability vested at 30% at 5 years increasing 1% per year to maximum of 50%
- 50% survivors continuation
- Credit for Unused Sick Leave
- Military Service Credit as Public Service
- Employee shall pay the full employee share of retirement costs as calculated by PERS (7%) in its annual actuarial valuation

7.2 Employees shall receive the following retirement benefits for employees deemed to be “new” employees under the Public Employee’s Pension Reform Act of 2013 (PEPRA):

Miscellaneous 2% @ 62 plan

- 1957 Survivors Benefit
- 1959 (Plus 25%) Survivors Benefit
- Ordinary disability vested at 30% at 5 years increasing 1% per year to maximum of 50%
- 50% survivors continuation
- Credit for Unused Sick Leave
- Military Service Credit as Public Service
- Employee shall pay the full employee share of retirement costs as calculated by PERS in its annual actuarial valuation

ARTICLE VIII - VACATION LEAVE

8.1 Employees hired prior to July 1, 1994 shall receive the following vacation benefits:

Beginning with:

Date of Hire: 3.08 hours per pay period

6th year 4.62 hours per pay period

12th year 5.23 hours per pay period

15th year 6.16 hours per pay period

21st year 6.47 hours per pay period

22nd year 6.78 hours per pay period

23rd year 7.09 hours per pay period

24th year 7.40 hours per pay period

25th year 7.71 hours per pay period

8.2 Employees hired after July 1, 1994 shall receive the following vacation benefits:

Beginning with:

Date of Hire: 3.08 hours per pay period

6th year 4.62 hours per pay period

12th year 5.23 hours per pay period

15th year/above 6.16 hours per pay period

- 8.3 Employees promoting into a Mid-Management position will follow the vacation schedule referenced in articles 8.1, or 8.2, depending on their initial employment with the City of Lodi.
- 8.4 Vacation leave shall be used in increments of not less than quarter hours. Vacation may not be carried over to the subsequent year in excess of the amount earned in two calendar years unless authorized by the City Manager.

ARTICLE IX - ADMINISTRATIVE LEAVE

- 9.1 Employees will be given eighty (80) hours of administrative leave per calendar year. Balances must be used prior to December 30 or they will be lost.
- 9.2 New employees or employees becoming eligible due to a promotion receive administrative leave on a prorated basis, with six point six seven (6.67) hours granted for each full calendar month remaining in the calendar year with a maximum of 80 hours.
- 9.3 Employees separating mid-year will receive a cash payout for unused Administrative Leave on a prorated basis in accordance with 9.2.
- | 9.4 Employees are eligible to cash out up to ~~sixty (60)~~eighty (80) hours of their current Administrative Leave balance in any calendar year except in the months of May and June. A request to cash out Administrative Leave must be in writing and submitted to the Finance Division.

ARTICLE X – HOLIDAYS

- 10.1 All employees shall receive 36 floating hours and the following nine and one half fixed holidays:
- New Year's Day January 1
 - Martin Luther King Jr. Day 3rd Monday in January
 - President's Day 3rd Monday in February
 - Memorial Day Last Monday in May
 - Independence Day July 4
 - Labor Day 1st Monday in September
 - Thanksgiving Day 4th Thursday in November
 - Day after Thanksgiving Day Friday after Thanksgiving Day
 - Christmas Eve (half working day) December 24
 - Christmas Day December 25
- 10.2 Fixed holidays occurring on Saturdays shall be observed on the preceding Fridays; Sunday holidays will be observed on the following Mondays, with the exception that if the following Monday were a holiday, the Sunday holiday would be taken on the preceding Friday.

10.3 Electric Utility Mid-Management employees shall receive 45 floating hours and the following eight and one-half fixed holidays:

- New Year's Day January 1
- Martin Luther King Jr. Day 3rd Monday in January
- Memorial Day Last Monday in May
- Independence Day July 4
- Labor Day 1st Monday in September
- Thanksgiving Day 4th Thursday in November
- Day after Thanksgiving Day Friday after Thanksgiving Day
- Christmas Eve (half working day) December 24
- Christmas Day December 25

10.4 Holiday hours may not be carried into the following calendar year.

10.5 If hired or separated mid-year, employee shall be credited or debited with floating hours per the following schedule:

Four Floating Holidays:

<u>Month Hired or Separated</u>	<u>Hours Added</u>	<u>Hours Subtracted</u>
Jan Feb March	36	27
April May June	27	18
July Aug Sept	18	9
Oct Nov Dec	9	0

ARTICLE XI - SICK LEAVE

11.1 Sick Leave is earned at the rate of 3.70 hours per pay period with no limit on the amount that can be accumulated. Sick leave shall be taken in increments of not less than quarter hours.

ARTICLE XII - SICK LEAVE CONVERSION

12.1 Employees hired prior to July 1, 1994, after 10 years with the City and only upon retirement, may convert their accumulated sick leave time to medical insurance premiums or cash under the following options:

OPTION #1 - "Bank"

The number of accumulated hours shall be reduced by 16-2/3% and the remaining balance converted into days. The days are then multiplied by the current monthly premium being paid for the employee and, if applicable, his/her dependents, subject to the cap shown in Article XIII. Fifty percent of that dollar amount will be placed into a "bank" to be used for medical insurance premiums for the employee, and if applicable, his/her dependents. For each year of employment over 10 years, 2.5% will be added to the 50% used in determining "bank" amount. Total premiums shall be paid from the Bank until its depletion, at which time the conversion benefit stops.

Employees may also use their banks money to purchase Dental, Vision, and/or Chiropractic Insurance at the current premiums until their bank is depleted.

OPTION #2 - "Conversion"

The number of accumulated hours shall be multiplied by 50% and converted to days. The City shall pay one month's premium for employee and dependents for each day after conversion. For each year of employment in excess of 10 years, 2.5% shall be added to the 50% before conversion. The amount of premium paid shall be the same as the premium paid by the City at the time of retirement, subject to the cap in Article XIII. Any differences created by an increase in premiums must be paid for by the employee.

OPTION #3 - "Cash-Out"

A retiring employee will be able to choose a cash pay-off of accumulated sick leave at the rate of 30% of base pay per hour.

OPTION #4 – "Service Credit"

A retiring employee will be able to convert unused sick leave to service credit for Cal PERS retirement purposes.

- 12.2 Employees hired after July 1, 1994 will not have the option of converting unused sick leave time into medical insurance premiums or cash as referenced in OPTION 1-3. The only option available to these employees is OPTION #4 "PERS SERVICE CREDIT".
- 12.3 In the event an active employee dies before retirement and that employee is vested in the Sick Leave Conversion program (10 years) the surviving dependents have an interest in one-half (1/2) the value of the bank as calculated in Section 12.1.
- 12.4 The City shall allow a surviving dependent of a retiree enrolled in the Sick Leave Conversion program to purchase medical insurance at the employee only premium for the same period as if the retiree had not died.
- 12.5 A retiree or surviving dependent, upon expiration of City-paid coverage, if any, has the option of purchasing at the prevailing rate additional medical insurance for an unlimited amount of time.
- 12.6 Out of area retirees may receive reimbursement for medical insurance premiums up to the City's liability as specified in Section 12.1; Option #2.
- 12.7 Only one City of Lodi employee may carry dependent coverage for another City employee, therefore, upon retirement the employee may re-enroll as an individual into the health plan in order to take advantage of the Sick Leave Conversion program.
- 12.8 A retiree or surviving dependent may purchase dental, vision, and/or Chiropractic insurance at the City group rate through the Sick Leave Conversion Bank option.

ARTICLE XIII – MEDICAL INSURANCE

13.1 All employees are offered medical insurance for themselves and dependents through Cal PERS-Medical Plans. City shall pay 100% premium for the employee’s family category (Family, Employee+1, Single) for the lowest cost PERS HMO available in Lodi’s geographical area (excluding Porac) as of January 1 2014. If Employee selects a higher cost plan, Employee will pay the difference as a payroll deduction. If an employee elects not to be covered by medical insurance through the City of Lodi, an additional \$692.81 per month for family or \$532.92 for employee + 1 dependent will be added to either the employee’s deferred compensation account or cash. A single employee who can show proof of group insurance will be eligible for this provision at the rate of \$305.22. In order to qualify for this provision, proof of group insurance must be provided to the City.

Employees will pay all medical costs in excess of the cap reference above.

Notwithstanding any other provisions of this Agreement, the parties agree to re-open Article XIII, Section 13.1 entitled: “Medical Insurance” for negotiation, solely limited to determining the amount the City of Lodi will contribute towards employee health plan premiums during calendar year 2016 and 2017, only in the event that the premium for the lowest cost HMO in the Lodi geographical area increases 20% or more in 2016 or 2017.

13.2 Only one City of Lodi employee may carry dependent coverage for another City employee. Co-payments incurred due to the loss of dual coverage will be reimbursed by the City of Lodi on a quarterly basis.

13.3 ~~The City intends to propose a Cafeteria based benefit program in 2014 with an effective date of January 1, 2015. This program would incorporate, but not be limited to: medical, vision, dental, chiropractic, and life insurance. The above listed terms of this agreement will be reopened for negotiation upon the City’s presentation of a Cafeteria plan.~~The City intends to propose a cafeteria-based benefit program that would incorporate, but not be limited to: medical, vision, dental, chiropractic, and life insurance. The above listed terms of this agreement will be reopened for negotiation upon the City’s presentation of a cafeteria plan. The City will form a committee, comprised of one member from each bargaining unit, along with City staff to discuss the contents of said cafeteria plan.

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ARTICLE XIV - DENTAL INSURANCE

14.1 Employees are provided fully paid family dental insurance.

14.2 Maximum benefits are \$1,000 for each family member enrolled into the dental plan, per calendar year. There is a \$25 deductible plus co-insurance features.

ARTICLE XV - VISION INSURANCE

15.1 Employees are provided with family vision care insurance through *Vision Service Plan*. Services and amount of coverage are outlined in the VSP Summary of Benefits.

ARTICLE XVI – CHIROPRACTIC

16.1 Chiropractic services may be received by employees and dependents through a chiropractic insurance plan.

ARTICLE XVII - FLEXIBLE SPENDING ACCOUNT

17.1 Employees shall have the option of participating in the Flexible Spending Account (Section 125 Plan). Employees may elect to participate in:

- a) Premium Conversion
- b) Non-reimbursed Health Care
- c) Dependent Care Reimbursement

17.2 Elections for the calendar year will be made each December, or if a change in family status occurs. Money deposited into the Plan will be forfeited as required by the plan and or applicable law.

ARTICLE XVIII - LIFE INSURANCE

~~16~~18.1 Employees are provided with a life insurance program providing for 2 times the annual salary to a maximum of \$250,000. The amount of insurance to reduce to 65% after the 70th birthday but before the 75th birthday. The amount of life insurance after the 75th birthday is reduced to 50%. In addition, a spouse will be covered for \$1,500. Dependent children between the ages of birth through the 20th birthday will be covered for \$1,500.

ARTICLE XIX - LONG-TERM DISABILITY INSURANCE

~~17~~19.1 A long term disability program which, coordinated with other disability benefits, shall provide a benefit of 66-2/3 percent to a maximum of \$10,000 per month of the employee's basic monthly earnings in the event of disability. This program commences sixty (60) days from the date of disability. Please refer to the City's Policy on Long Term Disability. The maximum length of coverage is three (3) years from date of disability.

ARTICLE XXVIII - LEAVES AND LEAVES OF ABSENCE

~~18~~20.1 A leave of absence may be granted for a specified period of time (not to exceed one year) with or without pay, for an employee to be absent from duty for a specified purpose. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request and the duration of such leave.

The granting of a leave of absence provides the employee the right to return to the same position or a position similar to the one vacated.

Requests for leave of absences for medical reasons must be accompanied by the appropriate health care practitioner's documentation.

A leave of absence shall not constitute a break in service for purposes of the City of Lodi's service award, nor shall it impair an employee's status as a regular full-time employee. An employee returning to employment after a leave of absence shall retain the same status and shall be placed at the same salary step in the pay range in effect for the class as the employee received when the leave of absence commenced.

Employees shall not be entitled to a leave of absence as a matter of right (except as provided by Federal or State law), but only upon the determination of the City that it is in the best interest of public service and that there is a presumption that the employee intends to return to work upon the expiration of the leave of absence. Failure on the part of the employee on leave to report promptly at its expiration, or at a reasonable time after notice to return to duty, shall be considered abandonment of position.

The approval of a leave of absence is subject, but not limited to a number of considerations such as length of employment, performance record, reasons for the leave of absence, the effect of the absence on the department, and duration of the leave of absence.

P.E.R.S. contributions will continue to be made as long as an employee continues to receive compensation from his/her accumulated leave balances. The amount of the contributions will vary according to the amount of compensation being received from the accumulated leave balances.

While an employee is on a leave of absence, he/she may receive compensation from his/her accumulated leave balances in accordance with applicable City policies. The amount of compensation received from these balances determines the employee's pay status.

| ~~2018~~.2 An employee is on pay status when they are receiving compensation from his/her accumulated leave balances. To be eligible for City benefits, a regular, full-time employee must be on pay status at the rate equivalent to hours worked in at least one half of a pay period. The only exception to this condition pertains to the receipt of compensation from accumulated leave balances while receiving Workers' Compensation payments. Such employee must use all his/her accumulated leave balances until exhausted.

| ~~2018~~.3 A leave of absence with pay is when an employee is considered to be in a pay status. An employee in a pay status will continue to receive all benefits including leave accruals.

| ~~2018~~.4 A leave of absence without pay is determined as such when an employee is no longer in a pay status or has exhausted all accumulated leave balances (according to applicable City policies).

A leave of absence without pay shall constitute a break in service for the purposes of determining benefit eligibility, performance evaluation and subsequent merit increase eligibility time frames if the employee is not on pay status at the rate equivalent to hours worked in at least one half of a pay period. The length of such leave to the nearest pay period shall be deducted from service credit.

Failure of an employee to return to his/her employment upon the termination of any leave of absence may result in the employee being required to reimburse the City for health insurance premiums paid by the City during the leave. For reasons other than disability, employees and their dependents may continue their health/medical insurance by paying the premiums for such time as the employee is in a leave without pay status.

All employees granted a leave of absence without pay may have his/her personnel action date extended by the amount of the leave of absence, if such absence is greater than one pay period

~~2018.5~~ All leaves of absence shall be requested in writing by the employee and shall require written approval by the Department Head. In addition to Department Head approval, leaves of absence without pay shall be approved by the City Manager. All requests shall be routed through the Human Resources Division and must include the following information:

- (1) Employee identification information such as employee number, class title, etc.;
- (2) Dates of commencement and expiration; and
- (3) Reason for absence.

~~2018.6~~ A Personnel Action Form shall be submitted by the respective department to the Human Resources Division for all leaves of absence without pay with a duration greater than one full pay period. The form should be submitted prior to the commencement of such leave and immediately upon or prior to the employee's return to work.

~~2018.7~~ All employees must have timesheets/cards submitted to payroll during leaves of absence indicating the type and amount of accumulated leave balance(s) to be charged. An employee on a leave of absence without pay should submit his/her timesheet/card indicating such status.

ARTICLE ~~XXIX~~ – TUITION REIMBURSEMENT

~~2149.1~~ Participation is limited to full-time regular employees of the City of Lodi.

~~2149.2~~ City shall reimburse employees the cost of tuition and books (including software) upon the satisfactory completion of job related coursework.

Employees must maintain continuous service from the date a course begins to the date of its completion.

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Employees shall not be eligible for reimbursement when a course is paid for by another source.

- 1) Employees shall receive up to a maximum of \$3,000 per fiscal year (including books and software), to be paid upon the satisfactory completion of course work.

A fiscal year is the period between July 1 and June 30; the final date of class shall determine the fiscal year in which that course falls. You cannot request reimbursement for a course in a fiscal year that the course did not end. For example: if you complete a class in June, but not request reimbursement until August, funds for your reimbursement would be derived from the previous fiscal year.

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Course work must be part of a program of study towards obtaining an Associate of Arts, Bachelor's, or any higher degree. The college or university must be accredited from one of the eight regional accredited associations listed below:

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- Middle States Association of Colleges and Schools Middle States Commission on Higher Education
- New England Association of Schools and Colleges Commission on Institutions of Higher Education
- New England Association of Schools and Colleges Commission on Technical and Career Institutions
- North Central Association of Colleges and Schools The Higher Learning Commission
- Northwest Commission on Colleges and Universities
- Southern Association of Colleges and Schools Commission on Colleges
- Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges
- Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities

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2149.3 Courses should pertain to an employee's career field, thus enhancing his/her career advancement opportunities and job skills. Courses related to an employee's job duties and responsibilities must exceed the educational level required to qualify for the employee's current classification.

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2149.4 Prior to enrollment in a course, the employee shall submit an application for participation in this program to his/her Department Head.

The Department Head shall review the application and determine eligibility according to the Tuition Reimbursement policy and the appropriate memorandum of understanding. If the application is denied, a letter shall be sent by the Department Head to the employee explaining why it has been disapproved. If the application is approved, the Department Head shall sign the application and return it to the employee, who shall be responsible to retain it until the course is completed.

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Upon completion of the course of instruction, the employee shall submit to the Department Head evidence of satisfactory completion (grade of "C" or equivalent or better). For ungraded courses, a statement from the school or the instructor must indicate successful completion of the course. This shall be accomplished within 60 calendar days of the completion of the course. In the event that such cannot be furnished within this time period, the employee shall provide a written statement explaining the reason for the delay.

The Department Head shall then authorize payment of the appropriate reimbursement.

The completed application, receipts, and evidence of grade shall be forwarded to Human Resources for approval. Once approved by Human Resources the packet will be forwarded to the Finance Division and a reimbursement check shall be issued to the employee.

~~214~~9.5 Participation in courses must not be during regular work hours and must not result in reducing either the normal work week of the employee or the quality and quantity of his/her services to the City; except that the City may grant time off for attendance at courses during working hours if the course is given at no other times and if such time off does not disturb normal City operations. The best interests of the City shall at all times be the determining factor in the consideration of such time off.

Employees must complete courses within the regulation period of time allowed for them by the school or professional organization.

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Participation in this program is to be considered a privilege rather than a right of the employee.

The City reserves the right to disapprove reimbursement for courses if the course requested is available at a substantially lower cost at a local school or college.

ARTICLE XXII – PROBATION

~~220~~.1 Employees have a probationary period of one year. During probation, new hires have the same rights and privileges as regular employees, except that:

- City and employee may mutually agree to an extension of the probationary period up to six additional months.

- Termination cannot be grieved.

New hires and promotional appointments shall be eligible for a merit increase at the completion of probation.

ARTICLE XXIII - PERSONAL LIABILITY

~~23~~.1 Employees shall be indemnified and held harmless by the City against all costs, legal expenses, and liability arising out of decisions made in their capacity for the City of Lodi and/or from any cause of action for property damage, or damages for personal injury, including death, sustained by person(s) as a result of a decision made in their capacity, except that:

- A. The City is not required to but may provide for the defense of an action or proceeding brought against an employee or former employee if the City determines that:
 1. The act or omissions was not within the scope of their employment; or
 2. They acted or failed to act because of actual fraud, corruption, or actual malice; or
 3. The defense of the action or proceeding by the City would create a conflict of interest between the City and the employee or former employee.
- B. The City is not required to but may pay any claim of judgment for punitive or exemplary damages under the following circumstances:
 1. The judgment is based on an act or omission of an employee or former employee acting within the course and scope of their employment as an employee of the City.
 2. At the time of the act giving rise to the liability, the employee or former employee acted, or failed to act, in good faith, without actual malice and in the apparent best interests of the City.
 3. Payment of the claim of judgment would be in the best interests of the City.

ARTICLE XXIV - GRIEVANCE PROCEDURE

~~24~~.1 Disputes involving the following subjects shall be determined by the Grievance

Procedures established herein:

- A. Interpretation or application of any of the terms of this agreement, including Exhibits thereto, Letter of Agreement, and formal interpretations and clarifications executed by the Association and City.

- B. Disputes as to whether a matter is proper subject for the Grievance Procedure.
- C. Disputes which may be of a “class action” nature filed on behalf of the Association or the City.

~~242~~.2 Class action Grievances shall be submitted in writing from the LCMMA’s President to the City Manager or vice versa.

~~242~~.3 STEP ONE

Discussion between the employee, the Association Representative and the Department Head, who will answer within fifteen work days. This step shall be taken within thirty days of the date of the action complained of, or the date the grievant became aware of the incident which is the basis of the grievance.

~~242~~.4 STEP TWO

If a grievance is not resolved in Step One, Step Two shall be the presentation of the grievance, in writing, by the Association Representative to the City Manager, who shall answer, in writing, within fifteen work days of receipt of the grievance. The City Manager’s decision shall be final and binding. Step Two shall be taken within fifteen work days of the date of the answer in Step One.

ARTICLE XXIII - DISCIPLINARY PROCEDURE & PROCEEDINGS

~~253~~.1 In order to establish employee standards of conduct and work performance that are consistent with the efficient and effective delivery of public services, this section outlines those circumstances under which disciplinary action may be required.

~~253~~.2 The following may be causes for disciplinary action including, but not limited to, written reprimand, demotion, suspension, or discharge of any employee. The purpose of specifying these causes is to alert employees to the more common types of disciplinary issues. However, this list is not all inclusive and there may arise instances of unacceptable behavior not included in this list.

- A. Improper or unauthorized use or abuse of sick leave.
- B. Inability to maintain regular and consistent attendance, which prevents the reasonable availability for assigned duties.
- C. Absence without authorized leave; repeated tardiness to assigned work, leaving assigned work without authorization; failure to report to work after a leave of absence has expired, or after a leave has been disapproved or revoked.
- D. Misconduct; willful or negligent violation of any City rule or policy.
- E. Insubordination.

- F. Acceptance of gifts or gratuities in connection with or relating to the employee's duties.
- G. Conviction of a felony or a misdemeanor involving moral turpitude. A plea or a verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction.
- H. Fraud or the submission of false information related to employment application, payroll, or any work-related record or report.
- I. Soliciting outside work for personal gain during the conduct of City business; engaging in outside employment for any business under contract with the City; or participating in any outside employment that adversely affects the employee's City work performance; or conducting personal business on City time.
- J. Discourteous treatment of the public or City employees or disorderly conduct on City property or on City business; for example, fighting, using profanity, intimidation, or abusive and threatening language.
- K. Conduct that interferes with the reasonable management, operation and discipline of the City or any of its departments or divisions or failure to cooperate with superiors or fellow employees.
- L. Engaging in political activities while on duty, in uniform or using the authority associated with City employment.
- M. Violation or neglect of safety rules or practices.
- N. Behavior, either during or outside duty hours, which is of such a nature that it causes discredit to the City or one of its operating practices.
- O. Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable trial period.
- P. Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform or complete assigned tasks or training in a prompt competent and reasonable manner.
- Q. Refusal to accept and carry out reasonable and proper assignment from an authorized supervisor.
- R. Intoxication, incapacity or possession or use of controlled substances or alcohol on City property and/or at the worksite.
- S. Failure to obtain or maintain possession of the minimum qualifications for the position.

- T. Careless, negligent, or improper use of City property, equipment or funds, including unauthorized removal, or use for private purpose, or use involving damage or unreasonable risk of damage to property.
- U. Unauthorized release or use of confidential information or official records.
- V. Participation in an illegal strike, work stoppage, slowdown, or other job action against the City.
- W. Inability to perform the duties of his/her job.
- X. Dishonesty.
- Y. Possession of firearms on the job (except for law enforcement personnel).
- Z. Sleeping on the job.
- AA. Theft.
- BB. Retaliation for actions protected by law.
- CC. Failure to report loss of or damage caused to City equipment and/or facilities for which the employee was responsible.
- DD. Threats of violence against City employees and/or City property.
- EE. Violation of the Fair Political Practices Act.

| ~~253.3~~ PERSONS WHO MAY TAKE DISCIPLINARY ACTION. The City Manager or any Department Director or designee may take disciplinary action against an employee.

| ~~253.4~~ CONSIDERATIONS IN THE DETERMINATION OF TYPE OF DISCIPLINARY ACTION. Where appropriate, the City practices a progressive disciplinary process. The considerations used in determining the type of disciplinary action shall be considered on a case-by-case basis. Such considerations shall include, but not be limited to: the employee's work history and performance record; the nature and severity of the infraction; aggravating and mitigating circumstances associated with the offense; and any extenuating factors.

| ~~253.5~~ TYPES OF DISCIPLINARY ACTION. The types of disciplinary action that may be taken shall include but not be limited to oral reprimand, written reprimand, demotion, suspension, reduction in pay and dismissal.

| ~~253.6~~ NOTICE OF DISCIPLINARY ACTION. Those disciplinary actions beyond an oral reprimand shall be in writing and include the following:

- A. The causes/reasons for the disciplinary action, which may include the performance expectations, rules, regulations or policies that have been violated.

- B. The effective date(s) of the disciplinary action.
- C. Any rights of appeal.

| ~~253~~.7 APPEAL OF DISCIPLINARY ACTION. An employee shall have the right to appeal any disciplinary action through the appropriate chain of command. The appeal process shall be composed of the following steps:

- A. An appeal shall be submitted in writing to the person who proposed and enacted the discipline within fifteen (15) business days of the date of notification for disciplinary action.
- B. The person who proposed and enacted the discipline shall respond in writing within fifteen (15) business days of the date of receipt of the employee's appeal.
- C. If resolution is not achieved at that level, the employee may submit an appeal in writing to the Department Director within fifteen (15) business days of the date of the supervisor's response.
- D. The Department Director shall respond in writing within fifteen (15) business days of the date of receipt of the appeal.
- E. If resolution is not achieved with the Department Director, the employee may submit an appeal in writing to the City Manager within fifteen (15) business days of the date of the Department Director's response.
- F. The City Manager shall respond in writing within fifteen (15) business days of the date of receipt of the appeal.
- G. If resolution is not achieved with the City Manager, the employee may submit a request in writing to the City Clerk for the Personnel Board of Review to hear a review of the case within fifteen (15) business days of the date of the City Manager's response.
- H. A hearing by the Personnel Board of Review shall be scheduled within fifteen (15) business days of the date of receipt of the request by the City Clerk. The hearing by the Board shall be a public hearing, unless the employee desires a closed hearing.
- I. The Personnel Board of Review shall have the ability to rule on the factual basis of the offense and the severity of the punishment
- J. The Personnel Board of Review shall submit a statement of opinion to the employee, City Manager, and the employee's Department Director in writing within fifteen (15) business days of the hearing. The decision of the Board shall be advisory to the City Manager.

- K. Final Notice of Disciplinary Action: Following review of the Personnel Board of Review's recommendation and the determination by the City Manager, the City Manager shall prepare a Final Notice of Disciplinary Action, advising the employee of the action to be taken and the employee's appeal rights. The Final Notice of Disciplinary Action shall be provided to the employee in writing within 15 days of receipt of the Personnel Board of Review's Statement of Opinion. The City Manager shall file a copy of the Final Notice of Disciplinary Action with the Human Resources Manager. The Final Notice of Disciplinary Action shall be delivered personally to the employee or shall be sent by registered or certified mail.
- L. Failure, by either party to respond in a timely manner would result in judgment for the opposing party.

~~253~~.8 Judicial review of any decision rendered under this section shall be governed by Code of Civil Procedure section 1094.5

~~253~~.9 For employees covered by the requirements of California Government Code Section 3300 et. seq., the appeal procedures in this section shall be deemed to comply with and fully satisfy the right to an administrative appeal under Government Code section 3304.

~~253~~.10 FLSA Exempt Employees: With respect to employees in classification deemed exempt from the overtime requirements of the Fair Labor Standards Act ("FLSA") disciplinary suspensions pursuant to this policy shall be administered in accordance with the salary basis test under the FLSA's governing regulations.

ARTICLE XXIV – CITY RIGHTS

~~264~~.1 It is further understood and agreed between the parties that nothing contained in this MOU shall be construed to waive or reduce any rights of the City, which include but are not limited to, the exclusive rights to:

- Determine the mission of its constituent departments, commissions, and boards
- Set standards of service
- Determine the procedures and standards of selection for employment
- Direct its employees
- Maintain the efficiency of governmental operations
- Determine the methods, means, and personnel by which government operations are conducted
- Take all necessary actions to carry out its mission in emergencies
- Exercise complete control and discretion and the technology of performing its work.

City Rights also include the right to determine the procedures and standards of selection for promotion, to relieve employees from duty because of lack of work or other legitimate reasons, to make and enforce standards of conduct and discipline, and to determine the content of job classifications; provides, however, that nothing herein may be read to extend the term of the MOU nor to supplement negotiations as a means for arriving at terms for a successor MOU.

ARTICLE XXVII – EMPLOYEE REPRESENTATION

275.1 This Memorandum of Understanding (MOU) is entered into between representatives of the City of Lodi (City) and representatives of the Lodi Mid-Management Association (LCMMA).

The parties hereto acknowledge and agree that this MOU constitutes the result of meeting and conferring in good faith as contemplated by Section 3500 et seq., of the Government Code of the State of California, and further acknowledge and agree that all matters upon which the parties reached agreement are set forth herein.

Both parties each certify without reservation that an adequate opportunity has been afforded its bargaining representatives to propose and vigorously advocate all negotiable subject matter during the course of collective bargaining preparatory to signing this agreement. The City will meet and confer before changing a policy or rule that is subject to meet and confer under the Meyers-Milias-Brown Act (MMBA).

The terms and conditions of this MOU shall continue in effect during the term of this MOU.

The City and the LCMMA agree and understand that if any section of the MOU conflicts with any ambiguity will policy manual or rules for personnel administration) is controlling. State and Federal laws will be adhered to). The terms and conditions of employment stated in other authorities, such as personnel rules, administrative policy and procedure, city resolutions, or city ordinances, etc. be resolved in favor of the MOU language. If the MOU is silent on any issue, the applicable document (i.e. policy manual or rules for personnel administration) is controlling. State and Federal laws will be adhered to.

The City agrees to recognize LCMMA representatives for the purpose of representing members of the LCMMA on all matters relating to the administration of this MOU, and upon the request of an employee, on adverse actions and other matters which may be or are on appeal in accordance with the discipline article of this MOU.

ARTICLE XXVIII – SEVERABILITY

286.1 In the event that any provision of this MOU is found by a court of competent jurisdiction to be invalid, all other provisions shall be severable and shall continue in full force and effect.

ATTACHMENT A

EFFECTIVE DATE	BU	JOB CLASS	JOB TITLE	Monthly Salary Steps				
				0	1	2	3	4
1/5/15	B	1200	ACCOUNTANT	\$ 4,941.84	\$ 5,188.88	\$ 5,448.37	\$ 5,720.81	\$ 6,006.82
1/5/15	B	1240	ASSC CIVIL ENGR	\$ 5,987.62	\$ 6,287.00	\$ 6,601.34	\$ 6,931.42	\$ 7,277.98
1/5/15	B	1245	ASSC PLANNER	\$ 4,886.41	\$ 5,130.74	\$ 5,387.27	\$ 5,656.64	\$ 5,939.46
1/5/15	B	1230	ASSISTANT ENGR	\$ 5,443.29	\$ 5,715.46	\$ 6,001.23	\$ 6,301.29	\$ 6,616.35
1/5/15	B	1235	ASSISTANT PLANNER	\$ 4,442.19	\$ 4,664.30	\$ 4,897.52	\$ 5,142.39	\$ 5,399.51
1/5/15	B	1300	ASST ENG/PLANS	\$ 5,443.29	\$ 5,715.46	\$ 6,001.23	\$ 6,301.29	\$ 6,616.35
1/5/15	B	1310	BUILDING OFFICL	\$ 7,091.94	\$ 7,446.48	\$ 7,818.82	\$ 8,209.71	\$ 8,620.26
1/5/15	B	1250	CITY ENG/DEP PW	\$ 9,337.28	\$ 9,804.14	\$ 10,294.32	\$ 10,809.07	\$ 11,342.77
1/5/15	B	1372	COMM CTR MGR	\$ 5,044.35	\$ 5,296.57	\$ 5,561.40	\$ 5,839.47	\$ 6,131.44
1/5/15	B	1255	COMPLIANCE ENGR	\$ 5,987.62	\$ 6,287.00	\$ 6,601.34	\$ 6,931.42	\$ 7,277.98
1/5/15	B	1260	CONST PROJ MGR	\$ 6,167.54	\$ 6,475.92	\$ 6,799.71	\$ 7,139.69	\$ 7,496.68
1/5/15	B	1265	DEP PW DIR-WWS	\$ 9,337.28	\$ 9,804.14	\$ 10,294.32	\$ 10,809.07	\$ 11,342.77
1/5/15	B	1343	ELEC ENGINEER	\$ 7,920.59	\$ 8,316.62	\$ 8,732.44	\$ 9,169.07	\$ 9,627.52
1/5/15	B	1330	ELECTRIC SUPT	\$ 9,744.91	\$ 10,232.15	\$ 10,743.77	\$ 11,280.95	\$ 11,845.00
1/5/15	B	1340	EU RATE ANALYST	\$ 6,192.80	\$ 6,502.52	\$ 6,827.61	\$ 7,168.95	\$ 7,527.48
1/5/15	B	1225	INFO SYS MGR	\$ 6,977.41	\$ 7,326.28	\$ 7,692.60	\$ 8,077.22	\$ 8,481.08
1/5/15	B	1350	LIBRARIAN I	\$ 4,230.65	\$ 4,442.18	\$ 4,664.29	\$ 4,897.51	\$ 5,142.39
1/5/15	B	1351	LIBRARIAN II	\$ 4,653.73	\$ 4,886.41	\$ 5,130.73	\$ 5,387.27	\$ 5,656.63
1/5/15	B	1355	LITERACY/VOL MG	\$ 3,733.14	\$ 3,919.80	\$ 4,115.80	\$ 4,320.32	\$ 4,537.65
1/5/15	B	1380	MGMT ANALYST	\$ 4,919.72	\$ 5,165.71	\$ 5,423.94	\$ 5,695.24	\$ 5,979.95
1/5/15	B	1320	MGR ENGR & OPS	\$ 9,744.91	\$ 10,232.15	\$ 10,743.77	\$ 11,280.95	\$ 11,845.00
1/5/15	B	1220	NETWORK ADMIN	\$ 6,068.56	\$ 6,371.96	\$ 6,690.51	\$ 7,025.02	\$ 7,376.31
1/5/15	B	1315	NGHBRHD SRS MGR	\$ 7,093.89	\$ 7,448.49	\$ 7,820.97	\$ 8,212.00	\$ 8,622.61
1/5/15	B	1360	PARK SUPT	\$ 6,088.98	\$ 6,393.43	\$ 6,713.10	\$ 7,048.75	\$ 7,401.19
1/5/15	B	1390	PW MGMT ANALYST	\$ 5,657.68	\$ 5,940.57	\$ 6,237.59	\$ 6,549.47	\$ 6,876.95
1/5/15	B	1325	RATES & RES MGR	\$ 9,744.91	\$ 10,232.15	\$ 10,743.77	\$ 11,280.95	\$ 11,845.00
1/5/15	B	1365	RECREATION MGR	\$ 4,585.72	\$ 4,815.04	\$ 5,055.85	\$ 5,308.63	\$ 5,574.03
1/5/15	B	1370	RECREATION SUPT	\$ 5,044.34	\$ 5,296.57	\$ 5,561.39	\$ 5,839.46	\$ 6,131.44
1/5/15	B	1305	SENIOR PLANNER	\$ 5,951.32	\$ 6,248.92	\$ 6,561.31	\$ 6,889.43	\$ 7,233.89
1/5/15	B	1270	SR CIVIL ENGR	\$ 6,755.11	\$ 7,093.07	\$ 7,447.66	\$ 7,820.25	\$ 8,210.85
1/5/15	B	1335	SR POWER ENGR	\$ 8,712.73	\$ 9,148.37	\$ 9,605.78	\$ 10,086.07	\$ 10,590.38
1/5/15	B	1215	SR PROG/ANALYST	\$ 5,516.01	\$ 5,791.78	\$ 6,081.33	\$ 6,385.38	\$ 6,704.69
1/5/15	B	1205	SUPERVISING ACC	\$ 5,816.73	\$ 6,107.56	\$ 6,412.94	\$ 6,733.59	\$ 7,070.27
1/5/15	B	1275	TR MGR/S TR ENG	\$ 6,755.77	\$ 7,093.76	\$ 7,448.38	\$ 7,821.00	\$ 8,211.63
1/5/15	B	1280	UTIL SUPER	\$ 6,690.86	\$ 7,025.40	\$ 7,376.66	\$ 7,745.50	\$ 8,132.78
1/5/15	B	1290	WTR PLANT SUPER	\$ 6,304.50	\$ 6,619.63	\$ 6,950.67	\$ 7,298.21	\$ 7,663.10
1/5/15	B	1285	WW PLANT SUPER	\$ 6,304.50	\$ 6,619.63	\$ 6,950.67	\$ 7,298.21	\$ 7,663.10

CITY OF LODI AND LODI CITY MID-MANAGEMENT ASSOCIATION – MOU ~~2014-2014~~ 2015 - 2017

CITY OF LODI,
a Municipal corporation

LODI CITY MID-MANAGEMENT ASSN.

Formatted: Left

~~KONRADT BARTLAM~~ STEPHEN SCHWABAUER
City Manager

GARY WIMAN
President

Date: _____

Date: _____

JORDAN AYERS
Deputy City Manager

JULIA TYACK
Secretary

Date: _____

Date: _____

ADELE POST
Human Resources Manager

Date: _____

Attest:

~~RANDI JOHL OLSON~~ JENNIFER M. FERRAILOLO
City Clerk

APPROVED AS TO FORM:

~~D. STEPHEN SCHWABAUER~~ JANICE D. MAGDICH
City Attorney

1. AA# _____
 2. JV# _____

**CITY OF LODI
 APPROPRIATION ADJUSTMENT REQUEST**

TO: Internal Services Dept. - Budget Division
 3. FROM: **Jordan Ayers, Deputy City Manager** 5. DATE: **4/15/15**
 4. DEPARTMENT/DIVISION:

6. REQUEST ADJUSTMENT OF APPROPRIATION AS LISTED BELOW

	FUND #	ORG #	OBJ #	ACCOUNT TITLE	AMOUNT
A. SOURCE OF FINANCING	120		50001	Library Transfer In	\$ 4,330.00
	200		50001	PRCS Transfer In	\$ 8,330.00
	100		32205	Unreserved Fund Balance	\$ 38,800.00
B. USE OF FINANCING	100	10020202	71001	Finance	\$ 1,990.00
	100	10020400	71001	Information Systems	\$ 7,660.00
	100	10030001	71001	Police	\$ 1,630.00
	100	10050001	71001	PW Admin	\$ 1,880.00
	100	10050500	71001	PW Engineering	\$ 12,990.00
	120	12090000	71001	Library	\$ 4,330.00
	200	20072001	71001	PRCS-Recreation	\$ 2,040.00
	200	20073001	71001	PRCS-Parks	\$ 6,280.00
	100	10095000	76220	General Fund Transfer Out	\$ 12,660.00

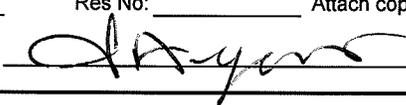
7. REQUEST IS MADE TO FUND THE FOLLOWING PROJECT NOT INCLUDED IN THE CURRENT BUDGET

Please provide a description of the project, the total cost of the project, as well as justification for the requested adjustment. If you need more space, use an additional sheet and attach to this form.

2014/15 contract changes for Mid Management

If Council has authorized the appropriation adjustment, complete the following:

Meeting Date: 4/15/15 Res No: _____ Attach copy of resolution to this form.

Department Head Signature: 

8. APPROVAL SIGNATURES

Deputy City Manager/Internal Services Manager _____ Date _____

Submit completed form to the Budget Division with any required documentation.
 Final approval will be provided in electronic copy format.

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE
MEMORANDUM OF UNDERSTANDING WITH THE LODI CITY
MID-MANAGEMENT ASSOCIATION FOR 2015 THROUGH 2017
AND APPROPRIATING FUNDS

WHEREAS, City employees have seen a net pay decrease as a result of concessions agreed to during the Great Recession; and

WHEREAS, most City employees have not seen an increase in base pay since 2008; and

WHEREAS, the City is now in a position to grant a small base pay increase as partial restoration of prior concessions; and

WHEREAS, it is recommended that Council approve revisions to the Memorandum of Understanding with Lodi City Mid-Management as follows as a partial restoration of prior concessions:

- 3% increase to base salary, effective the first full pay period in 2015; 2% increase to base salary, effective the first full pay period in 2016; and a 2% increase to base salary, effective the first full pay period in 2017;
- 10% Special Assignment Pay for employees while working on one-time special or major projects;
- 10% Temporary Upgrade Pay for employees assigned to work in a higher classification for a period of 3 or more days;
- Ability to cash out up to 80 hours of Administrative Leave accrual.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the 2015-2017 Memorandum of Understanding between the City of Lodi and the Lodi City Mid-Management Association, attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED that funds in the amount of \$38,880 be appropriated as shown on the attached Appropriation Request Form.

Date: April 15, 2015

I hereby certify that Resolution No. 2015-_____ was passed and adopted by the Lodi City Council in a regular meeting held April 15, 2015, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. FERRAIOLO
City Clerk

MEMORANDUM OF UNDERSTANDING

BETWEEN

CITY OF LODI

AND

LODI CITY MID-MANAGEMENT ASSOCIATION

JANUARY 1, 2015 – DECEMBER 31, 2017

MID-MANAGEMENT

ACCOUNTANT
ASSISTANT ENGINEER
ASSISTANT ENGINEER/PLANS EXAMINER
ASSISTANT PLANNER
ASSOCIATE CIVIL ENGINEER
ASSOCIATE PLANNER
BUILDING OFFICIAL
COMMUNITY CENTER MANAGER
COMPLIANCE ENGINEER
CONSTRUCTION PROJECT MANAGER
DEPUTY PUBLIC WORKS DIRECTOR – CITY ENGINEER
DEPUTY PUBLIC WORKS DIRECTOR – UTILITIES
ELECTRIC SUPERINTENDENT
ELECTRIC UTILITY RATE ANALYST
ELECTRICAL ENGINEER
INFORMATION SYSTEMS MANAGER
LIBRARIAN I/II
LITERACY/VOLUNTEER MANAGER
MANAGEMENT ANALYST
MANAGER, ENGINEERING & OPERATIONS
NEIGHBORHOOD SERVICES MANAGER
NETWORK ADMINISTRATOR
PARK SUPERINTENDENT
PUBLIC WORKS MANAGEMENT ANALYST
RATES & RESOURCES MANAGER
RECREATION MANAGER
RECREATION SUPERINTENDENT
SENIOR CIVIL ENGINEER
SENIOR PLANNER
SENIOR POWER ENGINEER
SENIOR PROGRAMMER/ ANALYST
SUPERVISING ACCOUNTANT
TRANSPORTATION MANAGER/ SR. TRAFFIC ENGINEER
UTILITY SUPERINTENDENT
WASTEWATER PLANT SUPERINTENDENT
WATER PLANT SUPERINTENDENT

TABLE OF CONTENTS

ARTICLE I - SALARY AND TERM 1

ARTICLE II - OPERATOR D-5 INCENTIVE 1

ARTICLE III - DEFERRED COMPENSATION..... 1

ARTICLE IV - SPECIAL ASSIGNMENT PAY 1

ARTICLE V – TEMPORARY UPGRADE PAY 2

ARTICLE VI – OVERTIME..... 2

ARTICLE VII - RETIREMENT..... 3

ARTICLE VIII - VACATION LEAVE..... 3

ARTICLE IX - ADMINISTRATIVE LEAVE..... 4

ARTICLE X – HOLIDAYS 4

ARTICLE XI - SICK LEAVE..... 5

ARTICLE XII - SICK LEAVE CONVERSION 5

ARTICLE XIII – MEDICAL INSURANCE..... 7

ARTICLE XIV - DENTAL INSURANCE 7

ARTICLE XV - VISION INSURANCE 8

ARTICLE XVI – CHIROPRACTIC 8

ARTICLE XVII - FLEXIBLE SPENDING ACCOUNT 8

ARTICLE XVIII - LIFE INSURANCE 8

ARTICLE XIX - LONG-TERM DISABILITY INSURANCE..... 8

ARTICLE XX - LEAVES AND LEAVES OF ABSENCE 8

ARTICLE XXI – TUITION REIMBURSEMENT 10

ARTICLE XXII – PROBATION 12

ARTICLE XXIII - PERSONAL LIABILITY 13

ARTICLE XXIV - GRIEVANCE PROCEDURE..... 13

ARTICLE XXV - DISCIPLINARY PROCEDURE & PROCEEDINGS..... 14

ARTICLE XXVI – CITY RIGHTS 18

ARTICLE XXVII – EMPLOYEE REPRESENTATION 19

ARTICLE XXVIII – SEVERABILITY 19

ATTACHMENT A – SALARY SCHEDULE.....20

ARTICLE I - SALARY AND TERM

- 1.1 City shall provide a cost of living adjustment (COLA) of three (3.0) percent effective the first full pay period that begins after January 1, 2015.

For calendar year 2016, the City shall provide a cost of living adjustment (COLA) of two (2.0) percent effective the first full pay period that begins after January 1, 2016.

For calendar year 2017, the City shall provide a cost of living adjustment (COLA) of two (2.0) percent effective the first full pay period that begins after January 1, 2017.

- 1.2 Salary shall be as noted in Attachment A.
- 1.3 Employees designated by the Department Head and approved by the City Manager who have passed a bilingual proficiency examination administered by the City shall receive a monthly bilingual supplement of \$150.00. The City Manager has the discretion in determining eligible languages.
- 1.4 The terms and conditions of this MOU shall continue in effect until such time as they are superseded by a signed agreement/MOU between the City of Lodi and the LCMMA or by other means permitted by the Meyers Miliias Brown Act. The term of the MOU shall be January 1, 2015 through December 31, 2017.

Negotiations will commence no later than October 31, 2017.

ARTICLE II - OPERATOR D-5 INCENTIVE

- 2.1 The City agrees to provide the Utility Superintendent an incentive of \$40.00 per month in recognition of his possession of Water Distribution Operator, Grade D-5 certificate. This incentive is limited to employees hired prior to February 2, 2012.

ARTICLE III - DEFERRED COMPENSATION

- 3.1 Employees may participate in the City's Deferred Compensation Plan.
- 3.2 City matches up to a maximum of 3.0% of base salary.

ARTICLE IV - SPECIAL ASSIGNMENT PAY

- 4.1 Employees who are assigned by the Department Head or designee to work on a one-time special or major project shall be paid an additional 10% of the employee's regular base salary while working on the project. City Manager approval must be obtained prior to the employee working on the special project. It is mutually agreed that assignments are at the sole discretion of the Department Head, subject to City Manager approval. Employees in such positions acknowledge, as does LCMMA, that employees may be

transferred or removed from the special project on a non-punitive basis and that they have no right to appeal from such transfer or removal.

ARTICLE V – TEMPORARY UPGRADE PAY

5.1 Any employee who is assigned by the Department Head or designee, and with the approval of the City Manager, to a higher classification in the absence of the incumbent for a period of three or more days, shall receive a 10% wage increase while in this status. However, in no event shall the upgrade pay per hour exceed the top step of the classification to which the employee is temporarily upgraded. City Manager approval must be obtained prior to the employee working in the higher classification.

ARTICLE VI – OVERTIME

6.1 Due to the fact that the classifications in this bargaining unit are deemed exempt from the overtime requirements of the Fair Labor Standards Act (FLSA), the following special provisions for the payment of overtime will apply. Employees shall be compensated for overtime at the time and one-half rate for time worked due to emergencies. Emergencies shall be determined by the appropriate department head and include but are not limited to such events as:

- Major storm damage requiring the dispatching of additional crews;
- The necessity to cover scheduled shifts;
- Direct supervision of crews assigned to work during normal days off to accommodate the public;
- Break down of equipment and/or systems requiring the presence of the mid-manager in order to restore service.

6.2 Overtime pay shall not be paid for the following:

- Staff meetings
- Special projects
- Conferences and seminars - except as noted below
- Appearances before City Council and commissions,
- Public information presentations,
- Activities involved with the completion of normal activities or programs such as budgets, inventory, annual financial closings, labor negotiations, and recreation programs.

6.3 All overtime must be approved by the department head. Any deviations from these guidelines must be approved in advance by the department head and the City Manager.

6.4 Upon promotion into a Mid-Management position all previously accrued compensatory time must be paid or used prior to the promotion.

ARTICLE VII - RETIREMENT

7.1 The City of Lodi provides retirement benefits through the Public Employees’ Retirement System (PERS). Employees shall receive the following retirement benefits for employees deemed to be “classic” employees by PERS:

Miscellaneous 2% @ 55 plan

- 1957 Survivors Benefit
- 1959 (Plus 25%) Survivors Benefit
- Ordinary disability vested at 30% at 5 years increasing 1% per year to maximum of 50%
- 50% survivors continuation
- Credit for Unused Sick Leave
- Military Service Credit as Public Service
- Employee shall pay the full employee share of retirement costs as calculated by PERS (7%) in its annual actuarial valuation

7.2 Employees shall receive the following retirement benefits for employees deemed to be “new” employees under the Public Employee’s Pension Reform Act of 2013 (PEPRA):

Miscellaneous 2% @ 62 plan

- 1957 Survivors Benefit
- 1959 (Plus 25%) Survivors Benefit
- Ordinary disability vested at 30% at 5 years increasing 1% per year to maximum of 50%
- 50% survivors continuation
- Credit for Unused Sick Leave
- Military Service Credit as Public Service
- Employee shall pay the full employee share of retirement costs as calculated by PERS in its annual actuarial valuation

ARTICLE VIII - VACATION LEAVE

8.1 Employees hired prior to July 1, 1994 shall receive the following vacation benefits:

Beginning with:

Date of Hire: 3.08 hours per pay period

6th year 4.62 hours per pay period

12th year 5.23 hours per pay period

15th year 6.16 hours per pay period

21st year 6.47 hours per pay period

22nd year 6.78 hours per pay period

23rd year 7.09 hours per pay period

24th year 7.40 hours per pay period

25th year 7.71 hours per pay period

8.2 Employees hired after July 1, 1994 shall receive the following vacation benefits:

Beginning with:

Date of Hire: 3.08 hours per pay period

6th year 4.62 hours per pay period

12th year 5.23 hours per pay period

15th year/above 6.16 hours per pay period

8.3 Employees promoting into a Mid-Management position will follow the vacation schedule referenced in articles 8.1, or 8.2, depending on their initial employment with the City of Lodi.

8.4 Vacation leave shall be used in increments of not less than quarter hours. Vacation may not be carried over to the subsequent year in excess of the amount earned in two calendar years unless authorized by the City Manager.

ARTICLE IX - ADMINISTRATIVE LEAVE

9.1 Employees will be given eighty (80) hours of administrative leave per calendar year. Balances must be used prior to December 30 or they will be lost.

9.2 New employees or employees becoming eligible due to a promotion receive administrative leave on a prorated basis, with six point six seven (6.67) hours granted for each full calendar month remaining in the calendar year with a maximum of 80 hours.

9.3 Employees separating mid-year will receive a cash payout for unused Administrative Leave on a prorated basis in accordance with 9.2.

9.4 Employees are eligible to cash out up to eighty (80) hours of their current Administrative Leave balance in any calendar year except in the months of May and June. A request to cash out Administrative Leave must be in writing and submitted to the Finance Division.

ARTICLE X – HOLIDAYS

10.1 All employees shall receive 36 floating hours and the following nine and one half (9 ½) fixed holidays:

- New Year's Day January 1
- Martin Luther King Jr. Day 3rd Monday in January
- President's Day 3rd Monday in February
- Memorial Day Last Monday in May
- Independence Day July 4
- Labor Day 1st Monday in September
- Thanksgiving Day 4th Thursday in November
- Day after Thanksgiving Day Friday after Thanksgiving Day
- Christmas Eve (half working day) December 24

- Christmas Day December 25
- 10.2 Fixed holidays occurring on Saturdays shall be observed on the preceding Fridays; Sunday holidays will be observed on the following Mondays, with the exception that if the following Monday were a holiday, the Sunday holiday would be taken on the preceding Friday.
- 10.3 Electric Utility Mid-Management employees shall receive 45 floating hours and the following eight and one-half (8 ½) fixed holidays:
- New Year’s Day January 1
 - Martin Luther King Jr. Day 3rd Monday in January
 - Memorial Day Last Monday in May
 - Independence Day July 4
 - Labor Day 1st Monday in September
 - Thanksgiving Day 4th Thursday in November
 - Day after Thanksgiving Day Friday after Thanksgiving Day
 - Christmas Eve (half working day) December 24
 - Christmas Day December 25
- 10.4 Holiday hours may not be carried into the following calendar year.
- 10.5 If hired or separated mid-year, employee shall be credited or debited with floating hours per the following schedule:

Four Floating Holidays:

<u>Month Hired or Separated</u>	<u>Hours Added</u>	<u>Hours Subtracted</u>
Jan Feb March	36	27
April May June	27	18
July Aug Sept	18	9
Oct Nov Dec	9	0

ARTICLE XI - SICK LEAVE

- 11.1 Sick Leave is earned at the rate of 3.70 hours per pay period with no limit on the amount that can be accumulated. Sick leave shall be taken in increments of not less than quarter hours.

ARTICLE XII - SICK LEAVE CONVERSION

- 12.1 Employees hired prior to July 1, 1994, after 10 years with the City and only upon retirement, may convert their accumulated sick leave time to medical insurance premiums or cash under the following options:

OPTION #1 - "Bank"

The number of accumulated hours shall be reduced by 16-2/3% and the remaining balance converted into days. The days are then multiplied by the current monthly premium being paid for the employee and, if applicable, his/her dependents, subject to the cap shown in Article XIII. Fifty percent of that dollar amount will be placed into a "bank" to be used for medical insurance premiums for the employee, and if applicable, his/her dependents. For each year of employment over 10 years, 2.5% will be added to the 50% used in determining "bank" amount. Total premiums shall be paid from the Bank until its depletion, at which time the conversion benefit stops.

Employees may also use their banks money to purchase dental, vision, and/or chiropractic insurance at the current premiums until their bank is depleted.

OPTION #2 - "Conversion"

The number of accumulated hours shall be multiplied by 50% and converted to days. The City shall pay one month's premium for employee and dependents for each day after conversion. For each year of employment in excess of 10 years, 2.5% shall be added to the 50% before conversion. The amount of premium paid shall be the same as the premium paid by the City at the time of retirement, subject to the cap in Article XIII. Any differences created by an increase in premiums must be paid for by the employee.

OPTION #3 - "*Cash-Out*"

A retiring employee will be able to choose a cash pay-off of accumulated sick leave at the rate of 30% of base pay per hour.

OPTION #4 – "*Service Credit*"

A retiring employee will be able to convert unused sick leave to service credit for Cal PERS retirement purposes.

- 12.2 Employees hired after July 1, 1994 will not have the option of converting unused sick leave time into medical insurance premiums or cash as referenced in OPTION 1-3. The only option available to these employees is OPTION #4 "PERS SERVICE CREDIT".
- 12.3 In the event an active employee dies before retirement and that employee is vested in the Sick Leave Conversion program (10 years) the surviving dependents have an interest in one-half (1/2) the value of the bank as calculated in Section 12.1.
- 12.4 The City shall allow a surviving dependent of a retiree enrolled in the Sick Leave Conversion program to purchase medical insurance at the employee only premium for the same period as if the retiree had not died.
- 12.5 A retiree or surviving dependent, upon expiration of City-paid coverage, if any, has the option of purchasing at the prevailing rate additional medical insurance for an unlimited amount of time.
- 12.6 Out of area retirees may receive reimbursement for medical insurance premiums up to the City's liability as specified in Section 12.1; Option #2.

- 12.7 Only one City of Lodi employee may carry dependent coverage for another City employee, therefore, upon retirement the employee may re-enroll as an individual into the health plan in order to take advantage of the Sick Leave Conversion program.
- 12.8 A retiree or surviving dependent may purchase dental, vision, and/or chiropractic insurance at the City group rate through the Sick Leave Conversion Bank option.

ARTICLE XIII – MEDICAL INSURANCE

- 13.1 All employees are offered medical insurance for themselves and dependents through Cal PERS-Medical Plans. City shall pay 100% premium for the employee’s family category (Family, Employee+1, Single) for the lowest cost PERS HMO available in Lodi’s geographical area (excluding Porac) as of January 1 2014. If Employee selects a higher cost plan, Employee will pay the difference as a payroll deduction. If an employee elects not to be covered by medical insurance through the City of Lodi, an additional \$692.81 per month for family or \$532.92 for employee + 1 dependent will be added to either the employee’s deferred compensation account or cash. A single employee who can show proof of group insurance will be eligible for this provision at the rate of \$305.22. In order to qualify for this provision, proof of group insurance must be provided to the City.

Employees will pay all medical costs in excess of the cap reference above.

Notwithstanding any other provisions of this Agreement, the parties agree to re-open Article XIII, Section 13.1 entitled: “Medical Insurance” for negotiation, solely limited to determining the amount the City of Lodi will contribute towards employee health plan premiums during calendar year 2016 and 2017, only in the event that the premium for the lowest cost HMO in the Lodi geographical area increases 20% or more in 2016 or 2017.

- 13.2 Only one City of Lodi employee may carry dependent coverage for another City employee. Co-payments incurred due to the loss of dual coverage will be reimbursed by the City of Lodi on a quarterly basis.
- 13.3 The City intends to propose a cafeteria-based benefit program that would incorporate, but not be limited to: medical, vision, dental, chiropractic, and life insurance. The above listed terms of this agreement will be reopened for negotiation upon the City’s presentation of a cafeteria plan. The City will form a committee, comprised of one member from each bargaining unit, along with City staff to discuss the contents of said cafeteria plan.

ARTICLE XIV - DENTAL INSURANCE

- 14.1 Employees are provided fully paid family dental insurance.
- 14.2 Maximum benefits are \$1,000 for each family member enrolled into the dental plan, per calendar year. There is a \$25 deductible plus co-insurance features.

ARTICLE XV - VISION INSURANCE

15.1 Employees are provided with family vision care insurance through *Vision Service Plan*. Services and amount of coverage are outlined in the VSP Summary of Benefits.

ARTICLE XVI – CHIROPRACTIC

16.1 Chiropractic services may be received by employees and dependents through a chiropractic insurance plan.

ARTICLE XVII - FLEXIBLE SPENDING ACCOUNT

17.1 Employees shall have the option of participating in the Flexible Spending Account (Section 125 Plan). Employees may elect to participate in:

- a) Premium Conversion
- b) Non-reimbursed Health Care
- c) Dependent Care Reimbursement

17.2 Elections for the calendar year will be made each December, or if a change in family status occurs. Money deposited into the Plan will be forfeited as required by the plan and or applicable law.

ARTICLE XVIII - LIFE INSURANCE

18.1 Employees are provided with a life insurance program providing for 2 times the annual salary to a maximum of \$250,000. The amount of insurance to reduce to 65% after the 70th birthday but before the 75th birthday. The amount of life insurance after the 75th birthday is reduced to 50%. In addition, a spouse will be covered for \$1,500. Dependent children between the ages of birth through the 20th birthday will be covered for \$1,500.

ARTICLE XIV - LONG-TERM DISABILITY INSURANCE

19.1 A long term disability program which, coordinated with other disability benefits, shall provide a benefit of 66-2/3 percent to a maximum of \$10,000 per month of the employee's basic monthly earnings in the event of disability. This program commences sixty (60) days from the date of disability. Please refer to the City's Policy on Long Term Disability. The maximum length of coverage is three (3) years from date of disability.

ARTICLE XX - LEAVES AND LEAVES OF ABSENCE

20.1 A leave of absence may be granted for a specified period of time (not to exceed one year) with or without pay, for an employee to be absent from duty for a specified purpose. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request and the duration of such leave.

The granting of a leave of absence provides the employee the right to return to the same position or a position similar to the one vacated.

Requests for leave of absences for medical reasons must be accompanied by the appropriate health care practitioner's documentation.

A leave of absence shall not constitute a break in service for purposes of the City of Lodi's service award, nor shall it impair an employee's status as a regular full-time employee. An employee returning to employment after a leave of absence shall retain the same status and shall be placed at the same salary step in the pay range in effect for the class as the employee received when the leave of absence commenced.

Employees shall not be entitled to a leave of absence as a matter of right (except as provided by Federal or State law), but only upon the determination of the City that it is in the best interest of public service and that there is a presumption that the employee intends to return to work upon the expiration of the leave of absence. Failure on the part of the employee on leave to report promptly at its expiration, or at a reasonable time after notice to return to duty, shall be considered abandonment of position.

The approval of a leave of absence is subject, but not limited to a number of considerations such as length of employment, performance record, reasons for the leave of absence, the effect of the absence on the department, and duration of the leave of absence.

PERS contributions will continue to be made as long as an employee continues to receive compensation from his/her accumulated leave balances. The amount of the contributions will vary according to the amount of compensation being received from the accumulated leave balances.

While an employee is on a leave of absence, he/she may receive compensation from his/her accumulated leave balances in accordance with applicable City policies. The amount of compensation received from these balances determines the employee's pay status.

- 20.2 An employee is on pay status when they are receiving compensation from his/her accumulated leave balances. To be eligible for City benefits, a regular, full-time employee must be on pay status at the rate equivalent to hours worked in at least one half of a pay period. The only exception to this condition pertains to the receipt of compensation from accumulated leave balances while receiving Workers' Compensation payments. Such employee must use all his/her accumulated leave balances until exhausted.
- 20.3 A leave of absence with pay is when an employee is considered to be in a pay status. An employee in a pay status will continue to receive all benefits including leave accruals.

- 20.4 A leave of absence without pay is determined as such when an employee is no longer in a pay status or has exhausted all accumulated leave balances (according to applicable City policies).

A leave of absence without pay shall constitute a break in service for the purposes of determining benefit eligibility, performance evaluation and subsequent merit increase eligibility time frames if the employee is not on pay status at the rate equivalent to hours worked in at least one half of a pay period. The length of such leave to the nearest pay period shall be deducted from service credit.

Failure of an employee to return to his/her employment upon the termination of any leave of absence may result in the employee being required to reimburse the City for health insurance premiums paid by the City during the leave. For reasons other than disability, employees and their dependents may continue their health/medical insurance by paying the premiums for such time as the employee is in a leave without pay status.

All employees granted a leave of absence without pay may have his/her personnel action date extended by the amount of the leave of absence, if such absence is greater than one pay period

- 20.5 All leaves of absence shall be requested in writing by the employee and shall require written approval by the Department Head. In addition to Department Head approval, leaves of absence without pay shall be approved by the City Manager. All requests shall be routed through the Human Resources Division and must include the following information:

- (1) Employee identification information such as employee number, class title, etc.;
- (2) Dates of commencement and expiration; and
- (3) Reason for absence.

- 20.6 A Personnel Action Form shall be submitted by the respective department to the Human Resources Division for all leaves of absence without pay with a duration greater than one full pay period. The form should be submitted prior to the commencement of such leave and immediately upon or prior to the employee's return to work.

- 20.7 All employees must have timesheets/cards submitted to payroll during leaves of absence indicating the type and amount of accumulated leave balance(s) to be charged. An employee on a leave of absence without pay should submit his/her timesheet/card indicating such status.

ARTICLE XXI – TUITION REIMBURSEMENT

- 21.1 Participation is limited to full-time regular employees of the City of Lodi.
- 21.2 City shall reimburse employees the cost of tuition and books (including software) upon the satisfactory completion of job-related coursework.

Employees must maintain continuous service from the date a course begins to the date of its completion.

Employees shall not be eligible for reimbursement when a course is paid for by another source.

- 1) Employees shall receive up to a maximum of \$3,000 per fiscal year (including books and software), to be paid upon the satisfactory completion of course work.

A fiscal year is the period between July 1 and June 30; the final date of class shall determine the fiscal year in which that course falls. You cannot request reimbursement for a course in a fiscal year that the course did not end. For example: if you complete a class in June, but not request reimbursement until August, funds for your reimbursement would be derived from the previous fiscal year.

Course work must be part of a program of study towards obtaining an Associate of Arts, Bachelor's, or any higher degree. The college or university must be accredited from one of the eight regional accredited associations listed below:

- Middle States Association of Colleges and Schools Middle States Commission on Higher Education
- New England Association of Schools and Colleges Commission on Institutions of Higher Education
- New England Association of Schools and Colleges Commission on Technical and Career Institutions
- North Central Association of Colleges and Schools The Higher Learning Commission
- Northwest Commission on Colleges and Universities
- Southern Association of Colleges and Schools Commission on Colleges
- Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges
- Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities

- 21.3 Courses should pertain to an employee's career field, thus enhancing his/her career advancement opportunities and job skills. Courses related to an employee's job duties and responsibilities must exceed the educational level required to qualify for the employee's current classification.

- 21.4 Prior to enrollment in a course, the employee shall submit an application for participation in this program to his/her Department Head.

The Department Head shall review the application and determine eligibility according to the Tuition Reimbursement policy and the appropriate memorandum of understanding. If the application is denied, a letter shall be sent by the Department Head to the employee explaining why it has been disapproved. If the application is approved, the Department Head shall sign the application and return it to the employee, who shall be responsible to retain it until the course is completed.

Upon completion of the course of instruction, the employee shall submit to the Department Head evidence of satisfactory completion (grade of "C" or equivalent or better). For ungraded courses, a statement from the school or the instructor must indicate successful completion of the course. This shall be accomplished within 60 calendar days of the completion of the course. In the event that such cannot be furnished within this time period, the employee shall provide a written statement explaining the reason for the delay.

The Department Head shall then authorize payment of the appropriate reimbursement.

The completed application, receipts, and evidence of grade shall be forwarded to Human Resources for approval. Once approved by Human Resources the packet will be forwarded to the Finance Division and a reimbursement check shall be issued to the employee.

- 21.5 Participation in courses must not be during regular work hours and must not result in reducing either the normal work week of the employee or the quality and quantity of his/her services to the City; except that the City may grant time off for attendance at courses during working hours if the course is given at no other times and if such time off does not disturb normal City operations. The best interests of the City shall at all times be the determining factor in the consideration of such time off.

Employees must complete courses within the regulation period of time allowed for them by the school or professional organization.

Participation in this program is to be considered a privilege rather than a right of the employee.

The City reserves the right to disapprove reimbursement for courses if the course requested is available at a substantially lower cost at a local school or college.

ARTICLE XXII – PROBATION

- 22.1 Employees have a probationary period of one year. During probation, new hires have the same rights and privileges as regular employees, except that:

- City and employee may mutually agree to an extension of the probationary period up to six additional months.
- Termination cannot be grieved.

New hires and promotional appointments shall be eligible for a merit increase at the completion of probation.

ARTICLE XXIII - PERSONAL LIABILITY

23.1 Employees shall be indemnified and held harmless by the City against all costs, legal expenses, and liability arising out of decisions made in their capacity for the City of Lodi and/or from any cause of action for property damage, or damages for personal injury, including death, sustained by person(s) as a result of a decision made in their capacity, except that:

A. The City is not required to but may provide for the defense of an action or proceeding brought against an employee or former employee if the City determines that:

1. The act or omissions was not within the scope of their employment; or
2. They acted or failed to act because of actual fraud, corruption, or actual malice; or
3. The defense of the action or proceeding by the City would create a conflict of interest between the City and the employee or former employee.

B. The City is not required to but may pay any claim of judgment for punitive or exemplary damages under the following circumstances:

1. The judgment is based on an act or omission of an employee or former employee acting within the course and scope of their employment as an employee of the City.
2. At the time of the act giving rise to the liability, the employee or former employee acted, or failed to act, in good faith, without actual malice and in the apparent best interests of the City.
3. Payment of the claim of judgment would be in the best interests of the City.

ARTICLE XXIV - GRIEVANCE PROCEDURE

24.1 Disputes involving the following subjects shall be determined by the Grievance Procedures established herein:

- A. Interpretation or application of any of the terms of this agreement, including Exhibits thereto, Letter of Agreement, and formal interpretations and clarifications executed by the Association and City.
 - B. Disputes as to whether a matter is proper subject for the Grievance Procedure.
 - C. Disputes which may be of a “class action” nature filed on behalf of the Association or the City.
- 24.2 Class action grievances shall be submitted in writing from the LCMMA’s President to the City Manager or vice versa.

24.3 **STEP ONE**

Discussion between the employee, the Association Representative and the Department Head, who will answer within fifteen (15) work days. This step shall be taken within thirty (30) days of the date of the action complained of, or the date the grievant became aware of the incident which is the basis of the grievance.

24.4 **STEP TWO**

If a grievance is not resolved in Step One, Step Two shall be the presentation of the grievance, in writing, by the Association Representative to the City Manager, who shall answer, in writing, within fifteen (15) work days of receipt of the grievance. The City Manager’s decision shall be final and binding. Step Two shall be taken within fifteen (15) work days of the date of the answer in Step One.

ARTICLE XXV - DISCIPLINARY PROCEDURE & PROCEEDINGS

- 25.1 In order to establish employee standards of conduct and work performance that are consistent with the efficient and effective delivery of public services, this section outlines those circumstances under which disciplinary action may be required.
- 25.2 The following may be causes for disciplinary action including, but not limited to, written reprimand, demotion, suspension, or discharge of any employee. The purpose of specifying these causes is to alert employees to the more common types of disciplinary issues. However, this list is not all inclusive and there may arise instances of unacceptable behavior not included in this list.
- A. Improper or unauthorized use or abuse of sick leave.
 - B. Inability to maintain regular and consistent attendance, which prevents the reasonable availability for assigned duties.
 - C. Absence without authorized leave; repeated tardiness to assigned work, leaving assigned work without authorization; failure to report to work after a leave of absence has expired, or after a leave has been disapproved or revoked.

- D. Misconduct; willful or negligent violation of any City rule or policy.
- E. Insubordination.
- F. Acceptance of gifts or gratuities in connection with or relating to the employee's duties.
- G. Conviction of a felony or a misdemeanor involving moral turpitude. A plea or a verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction.
- H. Fraud or the submission of false information related to employment application, payroll, or any work-related record or report.
- I. Soliciting outside work for personal gain during the conduct of City business; engaging in outside employment for any business under contract with the City; or participating in any outside employment that adversely affects the employee's City work performance; or conducting personal business on City time.
- J. Discourteous treatment of the public or City employees or disorderly conduct on City property or on City business; for example, fighting, using profanity, intimidation, or abusive and threatening language.
- K. Conduct that interferes with the reasonable management, operation and discipline of the City or any of its departments or divisions or failure to cooperate with superiors or fellow employees.
- L. Engaging in political activities while on duty, in uniform or using the authority associated with City employment.
- M. Violation or neglect of safety rules or practices.
- N. Behavior, either during or outside duty hours, which is of such a nature that it causes discredit to the City or one of its operating practices.
- O. Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable trial period.
- P. Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform or complete assigned tasks or training in a prompt competent and reasonable manner.
- Q. Refusal to accept and carry out reasonable and proper assignment from an authorized supervisor.
- R. Intoxication, incapacity or possession or use of controlled substances or alcohol on City property and/or at the worksite.

- S. Failure to obtain or maintain possession of the minimum qualifications for the position.
 - T. Careless, negligent, or improper use of City property, equipment or funds, including unauthorized removal, or use for private purpose, or use involving damage or unreasonable risk of damage to property.
 - U. Unauthorized release or use of confidential information or official records.
 - V. Participation in an illegal strike, work stoppage, slowdown, or other job action against the City.
 - W. Inability to perform the duties of his/her job.
 - X. Dishonesty.
 - Y. Possession of firearms on the job (except for law enforcement personnel).
 - Z. Sleeping on the job.
 - AA. Theft.
 - BB. Retaliation for actions protected by law.
 - CC. Failure to report loss of or damage caused to City equipment and/or facilities for which the employee was responsible.
 - DD. Threats of violence against City employees and/or City property.
 - EE. Violation of the Fair Political Practices Act.
- 25.3 PERSONS WHO MAY TAKE DISCIPLINARY ACTION. The City Manager or any Department Director or designee may take disciplinary action against an employee.
- 25.4 CONSIDERATIONS IN THE DETERMINATION OF TYPE OF DISCIPLINARY ACTION. Where appropriate, the City practices a progressive disciplinary process. The considerations used in determining the type of disciplinary action shall be considered on a case-by-case basis. Such considerations shall include, but not be limited to: the employee's work history and performance record; the nature and severity of the infraction; aggravating and mitigating circumstances associated with the offense; and any extenuating factors.
- 25.5 TYPES OF DISCIPLINARY ACTION. The types of disciplinary action that may be taken shall include but not be limited to oral reprimand, written reprimand, demotion, suspension, reduction in pay and dismissal.
- 25.6 NOTICE OF DISCIPLINARY ACTION. Those disciplinary actions beyond an oral reprimand shall be in writing and include the following:

- A. The causes/reasons for the disciplinary action, which may include the performance expectations, rules, regulations or policies that have been violated.
- B. The effective date(s) of the disciplinary action.
- C. Any rights of appeal.

25.7 APPEAL OF DISCIPLINARY ACTION. An employee shall have the right to appeal any disciplinary action through the appropriate chain of command. The appeal process shall be composed of the following steps:

- A. An appeal shall be submitted in writing to the person who proposed and enacted the discipline within fifteen (15) business days of the date of notification for disciplinary action.
- B. The person who proposed and enacted the discipline shall respond in writing within fifteen (15) business days of the date of receipt of the employee's appeal.
- C. If resolution is not achieved at that level, the employee may submit an appeal in writing to the Department Director within fifteen (15) business days of the date of the supervisor's response.
- D. The Department Director shall respond in writing within fifteen (15) business days of the date of receipt of the appeal.
- E. If resolution is not achieved with the Department Director, the employee may submit an appeal in writing to the City Manager within fifteen (15) business days of the date of the Department Director's response.
- F. The City Manager shall respond in writing within fifteen (15) business days of the date of receipt of the appeal.
- G. If resolution is not achieved with the City Manager, the employee may submit a request in writing to the City Clerk for the Personnel Board of Review to hear a review of the case within fifteen (15) business days of the date of the City Manager's response.
- H. A hearing by the Personnel Board of Review shall be scheduled within fifteen (15) business days of the date of receipt of the request by the City Clerk. The hearing by the Board shall be a public hearing, unless the employee desires a closed hearing.
- I. The Personnel Board of Review shall have the ability to rule on the factual basis of the offense and the severity of the punishment
- J. The Personnel Board of Review shall submit a statement of opinion to the employee, City Manager, and the employee's Department Director in writing

within fifteen (15) business days of the hearing. The decision of the Board shall be advisory to the City Manager.

- K. Final Notice of Disciplinary Action: Following review of the Personnel Board of Review's recommendation and the determination by the City Manager, the City Manager shall prepare a Final Notice of Disciplinary Action, advising the employee of the action to be taken and the employee's appeal rights. The Final Notice of Disciplinary Action shall be provided to the employee in writing within fifteen (15) days of receipt of the Personnel Board of Review's Statement of Opinion. The City Manager shall file a copy of the Final Notice of Disciplinary Action with the Human Resources Manager. The Final Notice of Disciplinary Action shall be delivered personally to the employee or shall be sent by registered or certified mail.
- L. Failure, by either party to respond in a timely manner would result in judgment for the opposing party.
- 25.8 Judicial review of any decision rendered under this section shall be governed by Code of Civil Procedure section 1094.5
- 25.9 For employees covered by the requirements of California Government Code Section 3300 et. seq., the appeal procedures in this section shall be deemed to comply with and fully satisfy the right to an administrative appeal under Government Code section 3304.
- 25.10 FLSA Exempt Employees: With respect to employees in classification deemed exempt from the overtime requirements of the Fair Labor Standards Act ("FLSA") disciplinary suspensions pursuant to this policy shall be administered in accordance with the salary basis test under the FLSA's governing regulations.

ARTICLE XXVI – CITY RIGHTS

- 26.1 It is further understood and agreed between the parties that nothing contained in this MOU shall be construed to waive or reduce any rights of the City, which include but are not limited to, the exclusive rights to:
- Determine the mission of its constituent departments, commissions, and boards
 - Set standards of service
 - Determine the procedures and standards of selection for employment
 - Direct its employees
 - Maintain the efficiency of governmental operations
 - Determine the methods, means, and personnel by which government operations are conducted
 - Take all necessary actions to carry out its mission in emergencies
 - Exercise complete control and discretion and the technology of performing its work.

City Rights also include the right to determine the procedures and standards of selection for promotion, to relieve employees from duty because of lack of work or other

legitimate reasons, to make and enforce standards of conduct and discipline, and to determine the content of job classifications; provides, however, that nothing herein may be read to extend the term of the MOU nor to supplement negotiations as a means for arriving at terms for a successor MOU.

ARTICLE XXVII – EMPLOYEE REPRESENTATION

27.1 This Memorandum of Understanding (MOU) is entered into between representatives of the City of Lodi (City) and representatives of the Lodi Mid-Management Association (LCMMA).

The parties hereto acknowledge and agree that this MOU constitutes the result of meeting and conferring in good faith as contemplated by Section 3500 et seq., of the Government Code of the State of California, and further acknowledge and agree that all matters upon which the parties reached agreement are set forth herein.

Both parties each certify without reservation that an adequate opportunity has been afforded its bargaining representatives to propose and vigorously advocate all negotiable subject matter during the course of collective bargaining preparatory to signing this agreement. The City will meet and confer before changing a policy or rule that is subject to meet and confer under the Meyers-Milias-Brown Act (MMBA).

The terms and conditions of this MOU shall continue in effect during the term of this MOU.

The City and the LCMMA agree and understand that if any section of the MOU conflicts with any ambiguity will policy manual or rules for personnel administration) is controlling. State and Federal laws will be adhered to). The terms and conditions of employment stated in other authorities, such as Personnel Rules, Administrative Policy and Procedure, City Resolutions, or City Ordinances, etc. be resolved in favor of the MOU language. If the MOU is silent on any issue, the applicable document (i.e. policy manual or rules for personnel administration) is controlling. State and Federal laws will be adhered to.

The City agrees to recognize LCMMA representatives for the purpose of representing members of the LCMMA on all matters relating to the administration of this MOU, and upon the request of an employee, on adverse actions and other matters which may be or are on appeal in accordance with the discipline article of this MOU.

ARTICLE XXVIII – SEVERABILITY

28.1 In the event that any provision of this MOU is found by a court of competent jurisdiction to be invalid, all other provisions shall be severable and shall continue in full force and effect.

ATTACHMENT A

EFFECTIVE DATE	BU	JOB CLASS	JOB TITLE	Monthly Salary Steps				
				0	1	2	3	4
1/5/15	B	1200	ACCOUNTANT	\$ 4,941.84	\$ 5,188.88	\$ 5,448.37	\$ 5,720.81	\$ 6,006.82
1/5/15	B	1240	ASSC CIVIL ENGR	\$ 5,987.62	\$ 6,287.00	\$ 6,601.34	\$ 6,931.42	\$ 7,277.98
1/5/15	B	1245	ASSC PLANNER	\$ 4,886.41	\$ 5,130.74	\$ 5,387.27	\$ 5,656.64	\$ 5,939.46
1/5/15	B	1230	ASSISTANT ENGR	\$ 5,443.29	\$ 5,715.46	\$ 6,001.23	\$ 6,301.29	\$ 6,616.35
1/5/15	B	1235	ASSISTANT PLANNER	\$ 4,442.19	\$ 4,664.30	\$ 4,897.52	\$ 5,142.39	\$ 5,399.51
1/5/15	B	1300	ASST ENG/PLANS	\$ 5,443.29	\$ 5,715.46	\$ 6,001.23	\$ 6,301.29	\$ 6,616.35
1/5/15	B	1310	BUILDING OFFICL	\$ 7,091.94	\$ 7,446.48	\$ 7,818.82	\$ 8,209.71	\$ 8,620.26
1/5/15	B	1250	CITY ENG/DEP PW	\$ 9,337.28	\$ 9,804.14	\$ 10,294.32	\$ 10,809.07	\$ 11,342.77
1/5/15	B	1372	COMM CTR MGR	\$ 5,044.35	\$ 5,296.57	\$ 5,561.40	\$ 5,839.47	\$ 6,131.44
1/5/15	B	1255	COMPLIANCE ENGR	\$ 5,987.62	\$ 6,287.00	\$ 6,601.34	\$ 6,931.42	\$ 7,277.98
1/5/15	B	1260	CONST PROJ MGR	\$ 6,167.54	\$ 6,475.92	\$ 6,799.71	\$ 7,139.69	\$ 7,496.68
1/5/15	B	1265	DEP PW DIR-WWS	\$ 9,337.28	\$ 9,804.14	\$ 10,294.32	\$ 10,809.07	\$ 11,342.77
1/5/15	B	1343	ELEC ENGINEER	\$ 7,920.59	\$ 8,316.62	\$ 8,732.44	\$ 9,169.07	\$ 9,627.52
1/5/15	B	1330	ELECTRIC SUPT	\$ 9,744.91	\$ 10,232.15	\$ 10,743.77	\$ 11,280.95	\$ 11,845.00
1/5/15	B	1340	EU RATE ANALYST	\$ 6,192.80	\$ 6,502.52	\$ 6,827.61	\$ 7,168.95	\$ 7,527.48
1/5/15	B	1225	INFO SYS MGR	\$ 6,977.41	\$ 7,326.28	\$ 7,692.60	\$ 8,077.22	\$ 8,481.08
1/5/15	B	1350	LIBRARIAN I	\$ 4,230.65	\$ 4,442.18	\$ 4,664.29	\$ 4,897.51	\$ 5,142.39
1/5/15	B	1351	LIBRARIAN II	\$ 4,653.73	\$ 4,886.41	\$ 5,130.73	\$ 5,387.27	\$ 5,656.63
1/5/15	B	1355	LITERACY/VOL MG	\$ 3,733.14	\$ 3,919.80	\$ 4,115.80	\$ 4,320.32	\$ 4,537.65
1/5/15	B	1380	MGMT ANALYST	\$ 4,919.72	\$ 5,165.71	\$ 5,423.94	\$ 5,695.24	\$ 5,979.95
1/5/15	B	1320	MGR ENGR & OPS	\$ 9,744.91	\$ 10,232.15	\$ 10,743.77	\$ 11,280.95	\$ 11,845.00
1/5/15	B	1220	NETWORK ADMIN	\$ 6,068.56	\$ 6,371.96	\$ 6,690.51	\$ 7,025.02	\$ 7,376.31
1/5/15	B	1315	NGHBRHD SRS MGR	\$ 7,093.89	\$ 7,448.49	\$ 7,820.97	\$ 8,212.00	\$ 8,622.61
1/5/15	B	1360	PARK SUPT	\$ 6,088.98	\$ 6,393.43	\$ 6,713.10	\$ 7,048.75	\$ 7,401.19
1/5/15	B	1390	PW MGMT ANALYST	\$ 5,657.68	\$ 5,940.57	\$ 6,237.59	\$ 6,549.47	\$ 6,876.95
1/5/15	B	1325	RATES & RES MGR	\$ 9,744.91	\$ 10,232.15	\$ 10,743.77	\$ 11,280.95	\$ 11,845.00
1/5/15	B	1365	RECREATION MGR	\$ 4,585.72	\$ 4,815.04	\$ 5,055.85	\$ 5,308.63	\$ 5,574.03
1/5/15	B	1370	RECREATION SUPT	\$ 5,044.34	\$ 5,296.57	\$ 5,561.39	\$ 5,839.46	\$ 6,131.44
1/5/15	B	1305	SENIOR PLANNER	\$ 5,951.32	\$ 6,248.92	\$ 6,561.31	\$ 6,889.43	\$ 7,233.89
1/5/15	B	1270	SR CIVIL ENGR	\$ 6,755.11	\$ 7,093.07	\$ 7,447.66	\$ 7,820.25	\$ 8,210.85
1/5/15	B	1335	SR POWER ENGR	\$ 8,712.73	\$ 9,148.37	\$ 9,605.78	\$ 10,086.07	\$ 10,590.38
1/5/15	B	1215	SR PROG/ANALYST	\$ 5,516.01	\$ 5,791.78	\$ 6,081.33	\$ 6,385.38	\$ 6,704.69
1/5/15	B	1205	SUPERVISING ACC	\$ 5,816.73	\$ 6,107.56	\$ 6,412.94	\$ 6,733.59	\$ 7,070.27
1/5/15	B	1275	TR MGR/S TR ENG	\$ 6,755.77	\$ 7,093.76	\$ 7,448.38	\$ 7,821.00	\$ 8,211.63
1/5/15	B	1280	UTIL SUPER	\$ 6,690.86	\$ 7,025.40	\$ 7,376.66	\$ 7,745.50	\$ 8,132.78
1/5/15	B	1290	WTR PLANT SUPER	\$ 6,304.50	\$ 6,619.63	\$ 6,950.67	\$ 7,298.21	\$ 7,663.10
1/5/15	B	1285	WW PLANT SUPER	\$ 6,304.50	\$ 6,619.63	\$ 6,950.67	\$ 7,298.21	\$ 7,663.10

CITY OF LODI,
a Municipal corporation

LODI CITY MID-MANAGEMENT ASSN.

STEPHEN SCHWABAUER
City Manager

GARY WIMAN
President

Date: _____

Date: _____

JORDAN AYERS
Deputy City Manager

JULIA TYACK
Secretary

Date: _____

Date: _____

ADELE POST
Human Resources Manager

Date: _____

Attest:

JENNIFER M. FERRAILOLO
City Clerk

APPROVED AS TO FORM:

JANICE D. MAGDICH
City Attorney

1. AA# _____
 2. JV# _____

**CITY OF LODI
 APPROPRIATION ADJUSTMENT REQUEST**

TO: Internal Services Dept. - Budget Division
 3. FROM: **Jordan Ayers, Deputy City Manager** 5. DATE: **4/15/15**
 4. DEPARTMENT/DIVISION:

6. REQUEST ADJUSTMENT OF APPROPRIATION AS LISTED BELOW

	FUND #	ORG #	OBJ #	ACCOUNT TITLE	AMOUNT
A. SOURCE OF FINANCING	120		50001	Library Transfer In	\$ 4,330.00
	200		50001	PRCS Transfer In	\$ 8,330.00
	100		32205	Unreserved Fund Balance	\$ 38,800.00
B. USE OF FINANCING	100	10020202	71001	Finance	\$ 1,990.00
	100	10020400	71001	Information Systems	\$ 7,660.00
	100	10030001	71001	Police	\$ 1,630.00
	100	10050001	71001	PW Admin	\$ 1,880.00
	100	10050500	71001	PW Engineering	\$ 12,990.00
	120	12090000	71001	Library	\$ 4,330.00
	200	20072001	71001	PRCS-Recreation	\$ 2,040.00
	200	20073001	71001	PRCS-Parks	\$ 6,280.00
	100	10095000	76220	General Fund Transfer Out	\$ 12,660.00

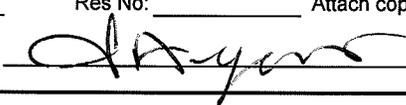
7. REQUEST IS MADE TO FUND THE FOLLOWING PROJECT NOT INCLUDED IN THE CURRENT BUDGET

Please provide a description of the project, the total cost of the project, as well as justification for the requested adjustment. If you need more space, use an additional sheet and attach to this form.

2014/15 contract changes for Mid Management

If Council has authorized the appropriation adjustment, complete the following:

Meeting Date: 4/15/15 Res No: _____ Attach copy of resolution to this form.

Department Head Signature: 

8. APPROVAL SIGNATURES

Deputy City Manager/Internal Services Manager _____ Date _____

Submit completed form to the Budget Division with any required documentation.
 Final approval will be provided in electronic copy format.



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Adopt Resolution Approving Revisions to Compensation and Other Benefits for Confidential Employees for the Period January 1, 2015 through December 31, 2017 and Appropriating Funds (\$13,000)

MEETING DATE: April 15, 2015

SUBMITTED BY: Deputy City Manager

RECOMMENDED ACTION: Adopt resolution approving revisions to compensation and other benefits for confidential employees for the period January 1, 2015 through December 31, 2017 and appropriating funds (\$13,000).

BACKGROUND INFORMATION: Historically, the City Council has treated the confidential (unrepresented) employees in the same manner as their represented counterparts. On December 3, 2014, Council approved a 1.5 percent salary increase to all confidential employees, with the notation that staff would bring back revisions for Council consideration if the corollary bargaining group settled with different terms. With the approval of a successor Memorandum of Understanding (MOU) with the Lodi Mid-Management Association (LCMMA); staff is requesting a net increase of 3 percent for calendar year 2015 (1.5 percent retro-active to January 5, 2015), and an additional 2 percent increase effective the first full pay period in calendar years 2016 and 2017, for confidential employees. In addition, the confidential mid-management employees would also be eligible for Special Assignment Pay, Temporary Upgrade Pay, and cash out of 80 hours of Administrative Leave in the same manner as LCMMA.

Staff recommends that the Council approve the revisions to compensation and other benefits for confidential employees.

FISCAL IMPACT: Total cost of the proposed agreement is \$154,175, of which \$13,000 is applicable to FY 2014/15; \$38,730 is applicable to FY 2015/16; \$64,102 is applicable to FY 2016/17; and \$38,343 is applicable to FY 2017/18. The FY 2014/15 component of this proposal is not included in the 2014/15 budget and will require an appropriation in the General Fund of \$13,000. Funding is available from the General Fund dollars in excess of the 2013/14 reserve target. Funding for these increased costs will be included in each years' budget.

FUNDING AVAILABLE: Funding for this item will be provided by funds in excess of the General Fund reserve target established by Council.

Jordan Ayers, Deputy City Manager

APPROVED: _____
Stephen Schwabauer, City Manager

1. AA# _____
 2. JV# _____

**CITY OF LODI
 APPROPRIATION ADJUSTMENT REQUEST**

TO: Internal Services Dept. - Budget Division
 3. FROM: Jordan Ayers, Deputy City Manager 5. DATE: 4/15/15
 4. DEPARTMENT/DIVISION:

6. REQUEST ADJUSTMENT OF APPROPRIATION AS LISTED BELOW					
	FUND #	ORG #	OBJ #	ACCOUNT TITLE	AMOUNT
A. SOURCE OF FINANCING	100		32205	Unreserved Fund Balance	\$ 10,450.00
B. USE OF FINANCING	100	10015000	71001	City Attorney	\$ 1,530.00
	100	10010000	71001	City Manager	\$ 1,420.00
	100	10020300	71001	Human Resources	\$ 2,510.00
	100	10020500	71001	Risk Management	\$ 1,170.00
	100	10021000	71001	Budget	\$ 2,210.00
	100	10020202	71001	Finance	\$ 1,610.00

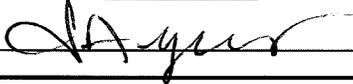
7. REQUEST IS MADE TO FUND THE FOLLOWING PROJECT NOT INCLUDED IN THE CURRENT BUDGET

Please provide a description of the project, the total cost of the project, as well as justification for the requested adjustment. If you need more space, use an additional sheet and attach to this form.

2014/15 contract changes for Confidential Mid-Management staff based upon Mid Management MOU

If Council has authorized the appropriation adjustment, complete the following:

Meeting Date: 4/15/15 Res No: _____ Attach copy of resolution to this form.

Department Head Signature: 

8. APPROVAL SIGNATURES

Deputy City Manager/Internal Services Manager _____ Date _____

Submit completed form to the Budget Division with any required documentation.
 Final approval will be provided in electronic copy format.

1. AA# _____
 2. JV# _____

**CITY OF LODI
 APPROPRIATION ADJUSTMENT REQUEST**

TO:	Internal Services Dept. - Budget Division		
3. FROM:	Jordan Ayers, Deputy City Manager	5. DATE:	4/15/15
4. DEPARTMENT/DIVISION:			

6. REQUEST ADJUSTMENT OF APPROPRIATION AS LISTED BELOW					
	FUND #	ORG #	OBJ #	ACCOUNT TITLE	AMOUNT
A. SOURCE OF FINANCING	100		32205	Unreserved Fund Balance	\$ 2,550.00
B. USE OF FINANCING	100	10005000	71001	City Clerk	\$ 870.00
	100	10010000	71001	City Attorney	\$ 580.00
	100	10020300	71001	City Manager	\$ 600.00
	100	10020500	71001	Human Resources	\$ 500.00

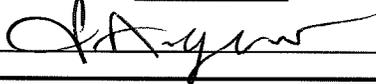
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Please provide a description of the project, the total cost of the project, as well as justification for the requested adjustment. If you need more space, use an additional sheet and attach to this form.

2014/15 contract changes for General Services staff

If Council has authorized the appropriation adjustment, complete the following:

Meeting Date: 4/15/15 Res No: _____ Attach copy of resolution to this form.

Department Head Signature: 

8. APPROVAL SIGNATURES

Deputy City Manager/Internal Services Manager	Date
-----------------------------------------------	------

Submit completed form to the Budget Division with any required documentation.
 Final approval will be provided in electronic copy format.

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
COMPENSATION AND BENEFIT MODIFICATIONS FOR
CONFIDENTIAL MID-MANAGEMENT EMPLOYEES

=====

WHEREAS, the City has completed negotiations with Lodi City Mid-Management Association (LCMMA). Confidential Mid-Management employees' benefits generally align to this bargaining unit and have received similar adjustments in the past; and

WHEREAS, Council previously approved a 1.5% increase for Confidential Mid-Management employees, effective January 1, 2015; and

WHEREAS, it is recommended that Council approve the following compensation and benefit modifications for Confidential Mid-Management employees (Business Development Manager, Deputy City Attorney, Financial Services Manager, Human Resources Manager, Supervising Budget Analyst, and Management Analyst – Confidential):

- 3% net increase to base salary, effective the first full pay period in 2015 (1.5% increase retro-active to January 5, 2015); 2% increase to base salary, effective the first full pay period in 2016; and a 2% increase to base salary, effective the first full pay period in 2017;
- 10% Special Assignment Pay for employees while working on one-time special or major projects;
- 10% Temporary Upgrade Pay for employees assigned to work in a higher classification for a period of 3 or more days;
- Ability to cash out up to 80 hours of Administrative Leave accrual.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve compensation and benefit modifications for the Confidential Mid-Management employees; and

BE IT FURTHER RESOLVED that funds in the amount of \$10,450 be appropriated as shown on the attached Appropriation Request Form.

Date: April 15, 2015

=====

I hereby certify that Resolution No. 2015-_____ was passed and adopted by the Lodi City Council in a regular meeting held April 15, 2015, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. FERRAILOLO
City Clerk

1. AA# _____
 2. JV# _____

**CITY OF LODI
 APPROPRIATION ADJUSTMENT REQUEST**

TO: Internal Services Dept. - Budget Division
 3. FROM: Jordan Ayers, Deputy City Manager 5. DATE: 4/15/15
 4. DEPARTMENT/DIVISION:

6. REQUEST ADJUSTMENT OF APPROPRIATION AS LISTED BELOW					
	FUND #	ORG #	OBJ #	ACCOUNT TITLE	AMOUNT
A. SOURCE OF FINANCING	100		32205	Unreserved Fund Balance	\$ 10,450.00
B. USE OF FINANCING	100	10015000	71001	City Attorney	\$ 1,530.00
	100	10010000	71001	City Manager	\$ 1,420.00
	100	10020300	71001	Human Resources	\$ 2,510.00
	100	10020500	71001	Risk Management	\$ 1,170.00
	100	10021000	71001	Budget	\$ 2,210.00
	100	10020202	71001	Finance	\$ 1,610.00

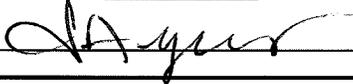
7. REQUEST IS MADE TO FUND THE FOLLOWING PROJECT NOT INCLUDED IN THE CURRENT BUDGET

Please provide a description of the project, the total cost of the project, as well as justification for the requested adjustment. If you need more space, use an additional sheet and attach to this form.

2014/15 contract changes for Confidential Mid-Management staff based upon Mid Management MOU

If Council has authorized the appropriation adjustment, complete the following:

Meeting Date: 4/15/15 Res No: _____ Attach copy of resolution to this form.

Department Head Signature: 

8. APPROVAL SIGNATURES

Deputy City Manager/Internal Services Manager _____ Date _____

Submit completed form to the Budget Division with any required documentation.
 Final approval will be provided in electronic copy format.

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING COMPENSATION MODIFICATIONS FOR
CONFIDENTIAL GENERAL SERVICES EMPLOYEES FOR
2015 THROUGH 2017 AND APPROPRIATING FUNDS

WHEREAS, the City has completed negotiations with Lodi City Mid-Management Association (LCMMA). Confidential Mid-Management employees' benefits generally align to this bargaining unit and Confidential General Services have received similar adjustments, as the Confidential Mid-Management employees' in the past;

WHEREAS, Council previously approved a 1.5% increase for Confidential General Service employees, effective January 1, 2015; and

WHEREAS, it is recommended that Council approve the following compensation modifications for Confidential General Services employees:

- 3% net increase to base salary, effective the first full pay period in 2015 (1.5% increase retro-active to January 5, 2015); 2% increase to base salary, effective the first full pay period in 2016; and a 2% increase to base salary, effective the first full pay period in 2017;

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that it does hereby approve compensation modifications for the Confidential General Services employees; and

BE IT FURTHER RESOLVED that funds in the amount of \$2,550 be appropriated as shown on the attached Appropriation Request Form.

Date: April 15, 2015

I hereby certify that Resolution No. 2015-_____ was passed and adopted by the Lodi City Council in a regular meeting held April 15, 2015, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. FERRAIOLO
City Clerk

1. AA# _____
 2. JV# _____

**CITY OF LODI
 APPROPRIATION ADJUSTMENT REQUEST**

TO: Internal Services Dept. - Budget Division
 3. FROM: **Jordan Ayers, Deputy City Manager** 5. DATE: **4/15/15**
 4. DEPARTMENT/DIVISION:

6. REQUEST ADJUSTMENT OF APPROPRIATION AS LISTED BELOW

	FUND #	ORG #	OBJ #	ACCOUNT TITLE	AMOUNT
A. SOURCE OF FINANCING	100		32205	Unreserved Fund Balance	\$ 2,550.00
B. USE OF FINANCING	100	10005000	71001	City Clerk	\$ 870.00
	100	10010000	71001	City Attorney	\$ 580.00
	100	10020300	71001	City Manager	\$ 600.00
	100	10020500	71001	Human Resources	\$ 500.00

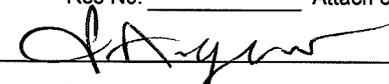
7. REQUEST IS MADE TO FUND THE FOLLOWING PROJECT NOT INCLUDED IN THE CURRENT BUDGET

Please provide a description of the project, the total cost of the project, as well as justification for the requested adjustment. If you need more space, use an additional sheet and attach to this form.

2014/15 contract changes for General Services staff

If Council has authorized the appropriation adjustment, complete the following:

Meeting Date: 4/15/15 Res No: _____ Attach copy of resolution to this form.

Department Head Signature: 

8. APPROVAL SIGNATURES

Deputy City Manager/Internal Services Manager _____ Date _____

Submit completed form to the Budget Division with any required documentation.
 Final approval will be provided in electronic copy format.