

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 18, 2015**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of March 18, 2015, was called to order by Mayor Johnson at 6:00 p.m.

Present: Council Member Nakanishi, Mayor Pro Tempore Chandler, and Mayor Johnson
Absent: Council Member Kuehne, and Council Member Mounce
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 6:45 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 only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of March 18, 2015, was called to order by Mayor Johnson at 7:00 p.m.

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

B. Presentations

B-1 Arbor Day Proclamation (PRCS)

Mayor Johnson presented a proclamation to Parks Superintendent Steve Dutra proclaiming Saturday, April 11, 2015, as Arbor Day in the City of Lodi. Mr. Dutra distributed a flyer regarding the event; encouraged Council, staff, and the community to attend; and recognized Tree Lodi for its support and funding via grant from California Relief of the tree planting at Peterson Park.

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

Mayor Johnson made a motion, second by Mayor Pro Tempore Chandler, 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 Nakanishi, Mayor Pro Tempore Chandler, and Mayor Johnson

Noes: None

Absent: Council Member Kuehne, and Council Member Mounce

C-1 Receive Register of Claims in the Amount of \$3,991,994.39 (FIN)

Claims were approved in the amount of \$3,991,994.39.

C-2 Approve Minutes (CLK)

The minutes of February 24, 2015 (Shirtsleeve Session), February 24, 2015 (Special Meeting), March 3, 2015 (Shirtsleeve Session), and March 4, 2015 (Regular Meeting) were approved as written.

C-3 Accept the Quarterly Investment Report as Required by the City of Lodi Investment Policy (CM)

Accepted the Quarterly Investment Report as required by the City of Lodi Investment Policy.

C-4 Accept the Quarterly Report of Purchases Between \$10,000 and \$20,000 (CM)

Accepted the quarterly report of purchases between \$10,000 and \$20,000.

C-5 Adopt Resolution Awarding Contract for Lodi Transit Station Restroom/Vault Improvements to Abide Builders, Inc., of West Sacramento (\$505,200) (PW)

Adopted Resolution No. 2015-28 awarding the contract for the Lodi Transit Station Restroom/Vault Improvements to Abide Builders, Inc., of West Sacramento, in the amount of \$505,200.

C-6 Adopt Resolution Awarding Contract for Henry Glaves Park Pump Station Improvement Project to Fort Bragg Electric, Inc., of Fort Bragg (\$64,740) and Appropriating Funds (\$58,000) (PW)

Adopted Resolution No. 2015-29 awarding the contract for the Henry Glaves Park Pump Station Improvement Project to Fort Bragg Electric, Inc., of Fort Bragg, in the amount of \$64,740, and appropriating funds in the amount of \$58,000.

C-7 Adopt Resolution Awarding Contract for White Slough Water Pollution Control Facility Farm Irrigation Improvements - Phase 1 to Knife River Construction, of Stockton (\$415,213) (PW)

Adopted Resolution No. 2015-30 awarding the contract for the White Slough Water Pollution Control Facility Farm Irrigation Improvements - Phase 1 to Knife River Construction, of Stockton, in the amount of \$415,213.

C-8 Adopt Resolution Authorizing City Manager to Execute Contract with Wilson Utility Construction Company, of Rancho Cordova, for Electric Utility Metering Services (\$200,000) (EU)

Adopted Resolution No. 2015-31 authorizing the City Manager to execute the contract with Wilson Utility Construction Company, of Rancho Cordova, for Electric Utility metering services in the amount of \$200,000.

C-9 Accept Improvements Under Contract for Water Meter Program Phase 4 (PW)

Accepted the improvements under the contract for Water Meter Program Phase 4.

C-10 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement for Security Services at the Lodi Transit Station and Parking Structure with Cypress Security, LLC, of San Francisco (Estimated Three-Year Cost: \$300,500) and to Negotiate and Execute Two One-Year Agreement Extensions (PW)

This item was pulled from the Consent Calendar by Council Member Nakanishi for comment.

In response to Council Member Nakanishi, Deputy Public Works Director Charlie Swimley confirmed that there is private security at the downtown parking garage and at the Lodi Transit Station.

Council Member Nakanishi made a motion, second by Mayor Johnson, to adopt Resolution No. 2015-35 authorizing the City Manager to execute the Professional Services Agreement for Security Services at the Lodi Transit Station and Parking Structure with Cypress Security, LLC, of San Francisco, with an estimated three-year cost of \$300,500, and to negotiate and execute two one-year agreement extensions.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Kuehne, and Council Member Mounce

C-11 Adopt Resolution Authorizing City Manager to Execute Task Order No. 37 with West Yost Associates, Inc., of Walnut Creek, for Permit Consulting Services (\$39,200) (PW)

Adopted Resolution No. 2015-32 authorizing the City Manager to execute Task Order No. 37 with West Yost Associates, Inc., of Walnut Creek, for permit consulting services in the amount of \$39,200.

C-12 Adopt Resolution Authorizing City Manager to File California Public Utilities Commission Section 190 Application, Certifying All Matters Prerequisite to Awarding Construction Contract Will Be Accomplished Within Two Years of Funding Allocation, and Certifying Sufficient Local Funds Are Available for the Harney Lane Grade Separation Project (PW)

Adopted Resolution No. 2015-33 authorizing the City Manager to file a California Public Utilities Commission Section 190 Application, certifying all matters prerequisite to awarding the construction contract will be accomplished within two years of the funding allocation, and certifying sufficient local funds are available for the Harney Lane Grade Separation Project.

C-13 Adopt Resolution Authorizing City Manager to Execute Contract for Seward Johnson Sculpture Exhibit and Appropriating Art in Public Places Funds for Exhibit and Traffic Control Box Art Project (\$30,000) (PRCS)

Adopted Resolution No. 2015-34 authorizing the City Manager to execute the contract for the Seward Johnson Sculpture exhibit and appropriating Art in Public Places funds for the exhibit and the Traffic Control Box Art Project in the amount of \$30,000.

C-14 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.

C-15 Receive Report Regarding Communication Pertaining to Assembly Bill 266 (Cooley) Regarding Medical Marijuana (CLK)

Received a report regarding a communication pertaining to Assembly Bill 266 (Cooley) regarding medical marijuana.

C-16 Set Public Hearing for April 1, 2015, to Consider Adopting a Resolution Approving the 2015/16 Draft Action Plan (CD)

Set a public hearing for April 1, 2015, to consider adopting a resolution approving the 2015/16 Draft Action Plan.

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.

Roger Stafford commented that his wastewater bill increased by 41 percent between January and August and questioned why the City calculates wastewater usage based on summer water usage when most people use more water on their lawns and gardens. City Manager Schwabauer explained that the wastewater bill is based upon water usage over four winter months specifically because water usage is typically lower during that time. Mr. Schwabauer suggested that Mr. Stafford likely saw an increase due to his water meter going from a flat rate to a volumetric rate one year following the meter installation. Deputy City Manager Jordan Ayers added that there was also a wastewater adjustment on the billings as of July 1, which was based on water usage in the winter months, and stated that staff is available to review his bill further if he would like. Mayor Johnson stated that many citizens have difficulty understanding the volumetric billing and suggested staff simplify the explanation.

Mr. Stafford additionally asked staff to look into the portion of the parking lot owned by Jack in the Box on Kettleman Lane, which has a large pothole. He contacted the Jack in the Box corporate office regarding the issue; however, their attempt to repair the hole left the area significantly worse. Mr. Schwabauer stated that staff will contact their office and research their map conditions to see if any force can be put behind the request to clean up the location.

Amelia Kard, who spoke at the last meeting regarding her request for a medical waiver on her utility bill, thanked staff for its courtesy and expediency in resolving the matter. Staff researched the issue further, verified she indeed had an electric solar system, and approved her request for the waiver. Additionally, Ms. Kard stated that, after hearing the Mayor's comments at the last meeting regarding the meeting with Police Department representatives, 25 percent of the homes in her circle have committed to a neighborhood watch program.

Debbie Haeschel spoke on the prohibition against chickens in the City limits and questioned what the process would be to make them legal. City Attorney Magdich stated that, when the development code was adopted, the provision on chickens was eliminated. The matter will be heard by the Planning Commission on April 8 with the staff recommendation that three "laying" chickens be permitted within the City, after which the matter will be brought before the City Council for deliberation. Both the City Manager and City Attorney encouraged Ms. Haeschel to attend the meeting if she wished to support the matter and stated that an agenda would be e-mailed to her.

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

Mayor Pro Tempore Chandler reported on Tuesday's Shirtsleeve Session regarding homelessness solutions, stating that he was encouraged by the efforts of the Police Chief, Salvation Army, local churches, and the many other groups to find a solution to this problem.

Council Member Nakanishi reported that the recently-passed Sustainable Groundwater Act states that groundwater will be regulated and monitored by a Groundwater Sustainability Agency (GSA) by 2017. Currently, there are no such agencies in California and, in that case, the authority would go to the California Department of Water Resources. He suggested that interested parties and stakeholders begin working now to form a GSA prior to 2017.

Mayor Johnson also commented on the Shirtsleeve Session regarding homelessness, stating the presentation was broad-reaching, informative, and had a lot of public participation. He suggested that the National Guard Armory, which has a facility across from American Legion, be involved in the meetings and discussion as their representatives may have input to help solve the problem.

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

None.

G. Public Hearings

G-1 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 public hearing to consider a resolution adopting pre-approved Proposition 218 Consumer Price Index-based annual adjustment to rates for solid waste collection.

City Manager Schwabauer reported that, due to a publication error that left off the rate schedules in the newspaper, it was recommended that the Council open the public hearing and continue it to the Council meeting of April 1, 2015, in order to republish the notice.

Mayor Johnson opened the public hearing.

Mayor Pro Tempore Chandler made a motion, second by Council Member Nakanishi, to continue the public hearing to April 1, 2015, to consider 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 Nakanishi, Mayor Pro Tempore Chandler, and Mayor Johnson

Noes: None

Absent: Council Member Kuehne, and Council Member Mounce

H. Communications

H-1 Post for One Vacancy on the Lodi Improvement Committee (CLK)

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

Lodi Improvement Committee

Terry Piazza, term to expire March 1, 2017

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Kuehne, and Council Member Mounce

H-2 Monthly Protocol Account Report (CLK)

Mayor Johnson made a motion, second by Mayor Pro Tempore Chandler, to approve the monthly Protocol Account report through February 28, 2015.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Kuehne, and Council Member Mounce

I. Regular Calendar

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

Due to Council Member absences, this item was pulled from the agenda and will be brought back at the April 1, 2015, City Council meeting.

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:34 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk