

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 7, 2014**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of May 7, 2014, was called to order by Mayor Katzakian at 6:00 p.m.

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

Absent: Council Member Nakanishi

Also Present: Interim City Manager Schwabauer, Interim City Attorney Magdich, and City Clerk Johl-Olson

C-2 Announcement of Closed Session

- a) Conference with Adele Post, Human Resources Manager, and Dean Gualco, Library Services Director (Labor Negotiators), Regarding International Brotherhood of Electrical Workers Pursuant to Government Code §54957.6
- b) Appointment of Council Appointees: City Manager and City Attorney; Pursuant to Government Code §54957; and Conference with Mayor Phil Katzakian (Labor Negotiator) Regarding City Council Appointees - City Manager, City Attorney, and City Clerk; Pursuant to Government Code §54957.6

C-3 Adjourn to Closed Session

At 6:00 p.m., Mayor Katzakian adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:40 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Katzakian reconvened the City Council meeting, and Interim City Attorney Magdich and Mayor Katzakian disclosed the following actions.

Items C-2 (a) and C-2 (b) were discussion and direction only with no reportable action.

Mayor Katzakian also stated that Item Nos. I-1, I-2, and I-3 will be pulled and brought back to the City Council at a future date.

A. Call to Order / Roll Call

The Regular City Council meeting of May 7, 2014, was called to order by Mayor Katzakian at 7:00 p.m.

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Absent: Council Member Nakanishi

Also Present: Interim City Manager Schwabauer, Interim City Attorney Magdich, and City Clerk Johl-Olson

B. Presentations

B-1 Bike to Work Week and Day Proclamation (PW)

Mayor Katzakian presented proclamation to Michael Caponio and Kristine Williams of the San Joaquin Bike Coalition proclaiming May 12-16, 2014, as "Bike to Work Week" and May 15, 2014, as "Bike to Work Day" in the City of Lodi.

B-2 National Public Works Week Proclamation (PW)

Mayor Katzakian presented proclamation to Public Works Director Wally Sandelin proclaiming the week of May 18-24, 2014, as "National Public Works Week" in the City of Lodi.

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

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

Noes: None

Absent: Council Member Nakanishi

C-1 Receive Register of Claims in the Amount of \$7,185,806.38 (FIN)

Claims were approved in the amount of \$7,185,806.38.

C-2 Approve Minutes (CLK)

The minutes of April 15, 2014 (Shirtsleeve Session), April 16, 2014 (Regular Meeting), April 22, 2014 (Shirtsleeve Session), and April 29, 2014 (Shirtsleeve Session) were approved as written.

C-3 Approve Specifications and Authorize Advertisement for Bids for 2014/15 Asphalt Materials (PW)

Approved the specifications and authorized advertisement for bids for 2014/15 asphalt materials.

C-4 Approve Specifications and Authorize Advertisement for Bids to Procure Equipment for Phase II.I Mobile Inspection/Reporting and Integration for the Electric Utility's Geographical Information System (EU)

Approved the specifications and authorized advertisement for bids to procure equipment for Phase II.I mobile inspection/reporting and integration for the Electric Utility's geographical information system.

C-5 Adopt Resolutions Approving the Purchase of GO! Sync Mobile Software (\$13,755) and Authorizing the City Manager to Execute a Professional Services Agreement for Software Implementation and Training Services (\$18,000) with TC Technology, of Carlsbad, for Phase II.I Integration of the Electric Utility's Geographical Information System (EU)

Adopted Resolution No. 2014-58 approving the purchase of GO! Sync mobile software in the amount of \$13,755 and Resolution No. 2014-59 authorizing the City Manager to execute a

Professional Services Agreement for software implementation and training services in the amount of \$18,000 with TC Technology, of Carlsbad, for Phase II.I integration of the Electric Utility's geographical information system.

C-6 Adopt Resolution Approving Purchase of Transit Fare Collection Equipment from Sole Source GFI GenFare, of Elk Grove Village, IL (\$38,938) (PW)

Adopted Resolution No. 2014-60 approving purchase of transit fare collection equipment from sole source GFI GenFare, of Elk Grove Village, IL, in the amount of \$38,938.

C-7 Adopt Resolution Awarding Contract for Americans with Disabilities Act Improvement Project Phase 3 - Church Street Parking Lots to MCI Engineering, of Stockton (\$278,926.32), and Appropriating Funds (\$47,000) (PW)

This item was pulled for further discussion by Council Member Mounce.

In response to Council Member Mounce, Public Works Director Wally Sandelin stated the proposed project is being undertaken in a manner that is similar to the way previous pavement improvements were completed to reduce the City's liability for the same. Interim City Manager Schwabauer provided a brief overview of the downtown parking district and the permitting currently in place in the parking lot behind the Bank of America. Council Member Mounce stated she preferred a cost sharing arrangement with businesses whereby they are contributing to the repair of the parking lot primarily used by business employees.

Council Member Mounce made a motion, second by Mayor Pro Tempore Hansen, to adopt Resolution No. 2014-74 awarding contract for Americans with Disabilities Act Improvement Project Phase 3 - Church Street Parking Lots to MCI Engineering, of Stockton, in the amount of \$278,926.32 and appropriating funds in the amount of \$47,000.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Nakanishi

C-8 Adopt Resolution Awarding Contract for Hutchins Street Square South Entrance Americans with Disabilities Act Project, 125 South Hutchins Street, to A.M. Stephens Construction Company, Inc., of Lodi (\$64,106.50) (PW)

Adopted Resolution No. 2014-61 awarding contract for Hutchins Street Square South Entrance Americans with Disabilities Act Project, 125 South Hutchins Street, to A.M. Stephens Construction Company, Inc., of Lodi, in the amount of \$64,106.50.

C-9 Adopt Resolution Awarding Contract for 2014-2015 Fence Repair Program, Various Locations, to John D. Wait Masonry, Inc., of Lodi (\$48,349.92); Authorizing the Public Works Director to Execute Extensions; and Appropriating Funds (\$50,000) (PW)

Adopted Resolution No. 2014-62 awarding contract for 2014-2015 Fence Repair Program, Various Locations, to John D. Wait Masonry, Inc., of Lodi, in the amount of \$48,349.92; authorizing the Public Works Director to execute extensions; and appropriating funds in the amount of \$50,000.

C-10 Accept Improvements Under Contract for Lodi Public Library Phase 3 Remodel Project

(PW)

Accepted the improvements under contract for Lodi Public Library Phase 3 Remodel Project.

C-11 Adopt Resolution Authorizing the City Manager to Execute Amendment No. 1 to Professional Services Agreement for Topographic Survey Work for Harney Lane Grade Separation Project with Baumbach & Piazza, Inc., of Lodi, and Appropriating Funds (\$7,800) (PW)

Adopted Resolution No. 2014-63 authorizing the City Manager to execute Amendment No. 1 to Professional Services Agreement for topographic survey work for Harney Lane Grade Separation Project with Baumbach & Piazza, Inc., of Lodi, and appropriating funds in the amount of \$7,800.

C-12 Adopt Resolution Authorizing the City Manager to Execute a Professional Services Agreement and Extensions with Robert Half Technology for Temporary Technical Support (\$110,000) (CM)

Adopted Resolution No. 2014-64 authorizing the City Manager to execute a Professional Services Agreement and extensions with Robert Half Technology for temporary technical support in the amount of \$110,000.

C-13 Adopt Resolution Approving the Agreement Between the City of Lodi and Spare Time, Inc., dba Twin Arbors Athletic Club, for the Summer Swim League Program (PRCS)

Adopted Resolution No. 2014-65 approving the agreement between the City of Lodi and Spare Time, Inc., dba Twin Arbors Athletic Club, for the Summer Swim League Program.

C-14 Adopt Resolutions Authorizing the City Manager to Execute a Power Management and Administrative Services Agreement, Amended and Restated Facilities Agreement, Amended and Restated Scheduling Coordination Program Agreement, and Second Amended and Restated Pooling Agreement with Northern California Power Agency (EU)

Adopted Resolution No. 2014-66 authorizing the City Manager to execute a Power Management and Administrative Services Agreement; Resolution No. 2014-67 authorizing the City Manager to execute an Amended and Restated Facilities Agreement; Resolution No. 2014-68 authorizing the City Manager to execute an Amended and Restated Scheduling Coordination Program Agreement; and Resolution No. 2014-69 authorizing the City Manager to execute a Second Amended and Restated Pooling Agreement with Northern California Power Agency.

C-15 Adopt Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Third Amended and Restated Northern California Power Agency Metered Subsystem Aggregator Agreement (EU)

Adopted Resolution No. 2014-70 authorizing the City Manager to execute Amendment No. 1 to the Third Amended and Restated Northern California Power Agency Metered Subsystem Aggregator Agreement.

C-16 Adopt Resolution Approving Irrevocable Dedication of Solid Waste Improvements Located at 114 West Oak Street (PW)

Adopted Resolution No. 2014-71 approving Irrevocable Dedication of solid waste improvements located at 114 West Oak Street.

C-17 Adopt Resolution Approving City's Financial Participation in Busy Bee Cleaners Site

Decommissioning (\$47,188) and Appropriating Funds (\$52,000) (PW)

Adopted Resolution No. 2014-72 approving City's financial participation in Busy Bee Cleaners site decommissioning in the amount of \$47,188 and appropriating funds in the amount of \$52,000.

C-18 Adopt Resolution Authorizing the City Manager to Execute Active Transportation Program Grant Application (PW)

Adopted Resolution No. 2014-73 authorizing the City Manager to execute Active Transportation Program Grant Application.

C-19 Authorize City Attorney to Issue "Comfort Letter" to AH Wines, Inc., of Lodi, for 25, 27, and 31 East Vine Street (PW)

Authorized the City Attorney to issue "comfort letter" to AH Wines, Inc., of Lodi, for 25, 27, and 31 East Vine Street.

C-20 Set Public Hearing for May 21, 2014, to Consider Adopting Resolution Approving the Planning Commission's Recommendation to Authorize 145 Low-Density Residential, 55 Medium-Density Residential, and 88 High-Density Residential Growth Management Allocations for Van Ruiten Ranch Subdivision (CD)

Set public hearing for May 21, 2014, to consider adopting resolution approving the Planning Commission's recommendation to authorize 145 low-density residential, 55 medium-density residential, and 88 high-density residential Growth Management Allocations for Van Ruiten Ranch Subdivision.

- D. Comments by the Public on Non-Agenda Items
THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.
Public comment may only be made on matters within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3I). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

The following individuals spoke in regard to their concerns about the Parminder Shergill shooting incident: Palvinder Kaur, Deep Singh, Dhoom Sahota, Delite Zinmik, and John Binder.

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

Council Member Mounce asked the City Clerk to make two letters of correspondence she received via email a part of the record when Item I-3 is brought back to the City Council for consideration.

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

G. Public Hearings

- G-1 Public Hearing to Consider Adopting Resolution Setting Future Water, Wastewater, and Solid Waste Rate Schedules Pursuant to Proposition 218 for Residential, Commercial, and Industrial Customers (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Katzakian called for the public hearing to consider adopting resolution setting future water, wastewater, and solid waste rate schedules pursuant to Proposition 218 for residential, commercial, and industrial customers.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding Proposition 218 protest hearing regarding water, wastewater, and solid waste rates. Specific topics of discussion included meter charges, vacant residential rates, water rate structural changes, examples of monthly changes, comparisons sent to non-residential customers, five-year financial plans, capital programs, and compactor rates.

In response to Council Member Johnson, Mr. Sandelin provided an overview of how the monthly charge related to multi-family usage is affected by the structural changes.

In response to Mayor Katzakian, Mr. Sandelin confirmed that Scientific Specialties is used as a non-residential example on the slide showing water monthly changes.

In response to Mayor Pro Tempore Hansen, Mr. Sandelin stated well capital maintenance refers to the hard maintenance costs at the 29 well sites and includes replacing motors.

In response to Mayor Pro Tempore Hansen, Mr. Sandelin stated that, while there are no odor mitigation requirements in the waste discharge processes now, he expects there will be in the future.

In response to Council Member Johnson, Mr. Sandelin confirmed they are encouraging more compactor usage based on the prototype that is in place currently.

Mayor Katzakian opened the public hearing to receive public comment and protests.

The following individuals spoke in opposition to the proposed adoption of the resolution setting future water, wastewater and solid waste rates pursuant to Proposition 218: Maria Rufino, Cliff Weaver, Mark Rolan, David Croft, Luis Mesa, Patricia McCann, Katy Marconi, and John Slaughterback.

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

Mr. Sandelin and Mr. Schwabauer answered a variety of questions posed by the above-referenced public speakers including those related to the Proposition 218 process, the installation of water meters, and the estimated cost savings for various customers utilizing the water meters.

In response to Mayor Pro Tempore Hansen, Mr. Sandelin stated the sewer line replacement improvements should be complete by 2017 and the improvements have added 50 years of life to the City's infrastructure.

In response to Mayor Pro Tempore Hansen, Mr. Sandelin confirmed that 100% of the water meters should be installed within five years.

Council Member Johnson made a motion, second by Mayor Pro Tempore Hansen, to adopt Resolution No. 2014-75 setting future water, wastewater, and solid waste rate schedules pursuant to Proposition 218 for residential, commercial, and industrial customers.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Mayor Pro Tempore Hansen, and Mayor Katzakian

Noes: Council Member Mounce
Absent: Council Member Nakanishi

G-2 Public Hearing to Consider Adopting a Resolution Approving the Final 2014-2018 Consolidated 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 Katzakian called for the public hearing to consider adopting a resolution approving the Final 2014-2018 Consolidated Plan for the Community Development Block Grant (CDBG) Program.

Neighborhood Services Manager Joseph Wood provided a brief PowerPoint presentation regarding the 2014-2018 CDBG Consolidated Plan. Specific topics of discussion included the process for plan adoption, Strategic Plan, annual allocation process, funding availability, public service funding, community based organizations, City services and projects, and the recommended action.

In response to Council Member Mounce, Mr. Wood stated the term "slum" will be removed from the goals listed for the Strategic Plan.

In response to Council Member Mounce, Mr. Wood stated he will continue to work with the Grace and Mercy Charitable Foundation in future years to strengthen its application.

In response to Council Member Mounce, Mr. Schwabauer confirmed spay and neuter funding was made available outside of the CDBG funding in next year's budget.

A brief discussion ensued amongst Council Member Mounce, Mr. Schwabauer, and Mr. Wood regarding the request from the Committee for a Better Life in Lodi for a community center and community garden, the use of CDBG funds for the same, and partnering with interested groups and organizations to achieve the requested goals.

In response to Mayor Pro Tempore Hansen, Mr. Wood confirmed that the CDBG funding to the City from the federal government continues to decline although a change in methodology and use of changing data may improve the funding. Mr. Wood stated he believes the City is doing well since taking over the program from the County.

In response to Mayor Pro Tempore Hansen, Mr. Wood stated the City continues to work with the Community Partnership for Families on some projects.

Mayor Katzakian opened the public hearing to receive public comment.

Maria Rosado spoke in support of allocating CDBG funds toward programs and services that support the citizens residing on the east of Lodi. The City Council, Mr. Schwabauer, and Mr. Wood encouraged the Committee for a Better Life in Lodi to continue working with the City and other organizations, including County agencies and community-based organizations, to achieve the goals it has outlined in the letter presented to the City Council.

Martin Ross spoke in support of CDBG allocation toward Salvation Army programs and services and offered to collaborate with the previous speaker in obtaining services for the citizens that reside on the east side of Lodi.

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

Mayor Pro Tempore Hansen made a motion, second by Council Member Johnson, to adopt

Resolution No. 2014-76 approving the Final 2014-2018 Consolidated Plan for the Community Development Block Grant Program.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Nakanishi

H. Communications

H-1 Post for Expiring Terms on the Library Board of Trustees, Lodi Arts Commission, and Planning Commission and Re-Post for Existing Vacancies on the Lodi Arts Commission (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, to direct the City Clerk to post for the following expiring terms and re-post for existing vacancies on the Lodi Arts Commission:

Library Board of Trustees

Charlene Martin, term to expire June 30, 2014

Lodi Arts Commission

Catherine Metcalf, term to expire July 1, 2014

REPOST

One Vacancy, term to expire July 1, 2014

One Vacancy, term to expire July 1, 2016

Planning Commission

Nick Jones, term to expire June 30, 2014

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Nakanishi

I. Regular Calendar

I-1 Adopt Resolution Appointing Stephen Schwabauer as City Manager and Approving the Related Employment Agreement

This item was pulled by Mayor Katzakian and continued to a future date for Council consideration.

I-2 Adopt Resolution Appointing Janice D. Magdich as City Attorney and Approving the Related Employment Agreement

This item was pulled by Mayor Katzakian and continued to a future date for Council consideration.

- I-3 Adopt Resolution Approving Addendum to Employment Agreement with City Clerk by Adding Standalone Legislative Job Duties, Reclassifying the Position as City Clerk/Legislative Affairs Officer, and Adjusting Salary

This item was pulled by Mayor Katzakian and continued to a future date for Council consideration.

- I-4 Adopt Resolution Approving the Classification and Salary Range for the Position of Property and Evidence Technician (CM)

Mayor Pro Tempore Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2014-77 approving the classification and salary range for the position of Property and Evidence Technician.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Nakanishi

- J. Ordinances - None

- K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 10:00 p.m.

ATTEST:

Randi Johl-Olson
City Clerk