LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 18, 2014

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of June 18, 2014, was called to order by Mayor Katzakian at 5:30 p.m.

Present: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian
Absent: None
Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk/Legislative Affairs Officer Johl-Olson

C-2 Announcement of Closed Session

a) Conference with Jordan Ayers, Deputy City Manager, and Adele Post, Human Resources Manager (Labor Negotiators), Regarding Lodi Professional Firefighters; and 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) Prospective Acquisition of Real Property; Price and Terms of Payment Under Negotiation; City Negotiators, Public Works Director Wally Sandelin and John F. Almazan, Senior Real Estate Agent, Interwest Consulting Group; Pursuant to Government Code Section 54956.8:

1. A Portion of Property Located at 13160 North West Lane (APN 058-110-47), Negotiating Party: F&L Costa Family L.P.;

2. A Portion of Property Located at 120 East Harney Lane (APN 058-130-24), Negotiating Party: Diane Tsutsumi and Gary & Joyce Tsutsumi 2011 Trust;

3. A Portion of Property Located at 2601 South Stockton Street (APN 058-130-02), Negotiating Parties: Sean & Summer Varner;

4. A Portion of Property Located at 127 East Harney Lane (APN 062-410-25), Negotiating Party: Valley Iron Works, Inc.;

5. A Portion of Property Located at 24 Maggio Circle (APN 062-410-26), Negotiating Party: Reynolds Family, LLC;

6. A Portion of Property Identified as APN 058-100-03, Negotiating Party: FF, L.P.;

7. A Portion of Property Located at 2538 Banyan Drive (APN 062-260-11), Negotiating Party: Sorour Partners, L.P., a California Limited Partnership

c) Public Employee Performance Evaluation/Discipline/Dismissal/Release/Resignation/Appointment of Council Appointees, Job Title: City Clerk; Pursuant to Government Code Section 54957

C-3 Adjourn to Closed Session

At 5:30 p.m., Mayor Katzakian adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:35 p.m.

C-4 Return to Open Session / Disclosure of Action

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

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

In regard to Item C-2 (c), Mayor Katzakian stated the City Council had accepted the resignation of City Clerk Randi Johl-Olson effective July 6, 2014, appointed Assistant City Clerk Jennifer Robison as City Clerk with the incumbent City Clerk salary effective July 7, 2014, directed City Attorney Janice Magdich to prepare the employment agreement, and directed City Clerk Johl-Olson to prepare the staff report for her successor for the next City Council meeting.

A. Call to Order / Roll Call

The Regular City Council meeting of June 18, 2014, was called to order by Mayor Katzakian at 7:00 p.m.

Present: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian
Absent: None
Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk/Legislative Affairs Officer Johl-Olson

B. Presentations

B-1 2014 National Dump the Pump Day Proclamation (PW)

Mayor Katzakian presented proclamation to Transportation Planner Julia Tyack proclaiming June 19, 2014, as "2014 National Dump the Pump Day" in Lodi.

B-2 Parks Make Life Better Month Proclamation (PRCS)

Mayor Katzakian presented proclamation to Park Supervisor Duane Wright proclaiming the month of July 2014 as "Parks Make Life Better Month" in the City of Lodi.

B-3 Presentation of Firefighter of the Year 2013 Plaque to Fire Captain Shane Langone (FD)

Fire Chief Larry Rooney presented the Firefighter of the Year 2013 plaque to Fire Captain Shane Langone.

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, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian
Noes: None
Absent: None

C-1 Receive Register of Claims in the Amount of $4,700,994.33 (FIN)

Claims were approved in the amount of $4,700,994.33.

C-2 Approve Minutes (CLK)

The minutes of June 3, 2014 (Shirtsleeve Session), June 4, 2014 (Regular Meeting), and June 10, 2014 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Turner Road Overlay, Loma Drive to Pleasant Avenue (PW)

Approved the plans and specifications and authorized advertisement for bids for Turner Road Overlay, Loma Drive to Pleasant Avenue.

C-4 Approve Specifications and Authorize Advertisement for Bids for 2014 Crack Sealing Project (PW)

Approved the specifications and authorized advertisement for bids for 2014 Crack Sealing Project.

C-5 Approve Specifications and Authorize Advertisement for Bids for Procurement of Biosolids Dewatering Polymer at White Slouth Water Pollution Control Facility (PW)

Approved the specifications and authorized advertisement for bids for procurement of biosolids dewatering polymer at White Slouth Water Pollution Control Facility.

C-6 Adopt Resolution Awarding the Bid for the Purchase of Mobile Equipment from RedLine Solutions, Inc., of Santa Clara ($41,200) (EU)

Adopted Resolution No. 2014-103 awarding the bid for the purchase of mobile equipment from RedLine Solutions, Inc., of Santa Clara, in the amount of $41,200.

C-7 Adopt Resolution Awarding Contract for White Slough Water Pollution Control Facility Control Building Remodel and Addition Project to Sierra Valley Construction, Inc., of Roseville ($384,918) (PW)

In response to Council Member Mounce, Public Works Director Wally Sandelin confirmed that the project is not based on community growth but rather a need to provide female facilities for employees at the White Slough Water Pollution Control Facility.

Council Member Mounce made a motion, second by Mayor Katzakian, to adopt Resolution No. 2014-112 awarding contract for White Slough Water Pollution Control Facility Control Building Remodel and Addition Project to Sierra Valley Construction, Inc., of Roseville in the amount of $384,918.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian
Noes: None
Absent: None

C-8 Adopt Resolution Awarding Contract for 2014/15 Asphalt Materials to George Reed, Inc., of Modesto ($72,279) (PW)

Adopted Resolution No. 2014-104 awarding contract for 2014/15 Asphalt Materials to George Reed, Inc., of Modesto, in the amount of $72,279.

C-9 Accept Improvements Under Contract for Western and Southern Plumes Monitoring Wells Installation Project (PW)

Accepted the improvements under contract for Western and Southern Plumes Monitoring Wells Installation Project.

C-10 Accept Improvements Under Contract for DeBenedetti Park Masonry Wall Landscaping, 2160 West Century Boulevard (PW)

Accepted the improvements under contract for DeBenedetti Park Masonry Wall Landscaping, 2160 West Century Boulevard.

C-11 Adopt Resolution Authorizing the City Manager to Execute Task Order No. 35 with West Yost Associates, of Walnut Creek, for Engineering Services and Permit Assistance ($333,700) (PW)

Adopted Resolution No. 2014-105 authorizing the City Manager to execute Task Order No. 35 with West Yost Associates, of Walnut Creek, for engineering services and permit assistance in the amount of $333,700.

C-12 Adopt Resolution Approving Final Map and Authorizing the City Manager to Execute Improvement Agreement for Rose Gate Subdivision Unit No. 1 (Tract No. 3785) and Unit No. 2 (Tract No. 3813) and Temporary (Private) Wastewater and Storm Drainage Facility Access Maintenance Agreement (PW)

Adopted Resolution No. 2014-106 approving Final Map and authorizing the City Manager to execute Improvement Agreement for Rose Gate Subdivision Unit No. 1 (Tract No. 3785) and Unit No. 2 (Tract No. 3813) and Temporary (Private) Wastewater and Storm Drainage Facility Access Maintenance Agreement.

C-13 Adopt Resolution Authorizing the City Manager to Execute Contracts for Fiscal Year 2014/15 with United Cerebral Palsy of San Joaquin, Amador, and Calaveras Counties, of Stockton, for Downtown Cleaning ($51,726.08), Transit Facility Cleaning ($43,425.49), and Hutchins Street Square Landscape Maintenance ($17,805.79) (PW)

Adopted Resolution No. 2014-107 authorizing the City Manager to execute contracts for fiscal year 2014/15 with United Cerebral Palsy of San Joaquin, Amador, and Calaveras Counties, of Stockton, for Downtown cleaning in the amount of $51,726.08, Transit Facility cleaning in the amount of $43,425.49, and Hutchins Street Square landscape maintenance in the amount of $17,805.79.

C-14 Adopt Resolution Approving Amendment to LOEL Agreement for Operation of Senior Center at Hutchins Street Square (PRCS)

Adopted Resolution No. 2014-108 approving amendment to LOEL agreement for operation of Senior Center at Hutchins Street Square.

C-15 Adopt Resolution Authorizing the City Manager to Execute Power Purchase Agreement and Buyers Joint Project Agreement for Astoria 2 Solar Project (EU)

Adopted Resolution No. 2014-109 authorizing the City Manager to execute Power Purchase Agreement and Buyers Joint Project Agreement for Astoria 2 Solar Project.

C-16 Adopt Resolution Approving Lodi Electric Utility Green House Gas Free Allowance Proceeds Spending Plan (EU)

Adopted Resolution No. 2014-110 approving Lodi Electric Utility Green House Gas Free Allowance Proceeds Spending Plan.

C-17 Adopt Resolution Authorizing the City Manager to Submit an Application to the California State Department of Housing and Community Development for CalHome Program Funding; and if Selected, the Execution of a Standard Agreement, any Amendments Thereto, and any Related Documents Necessary to Participate in the CalHome Program ($1,000,000) (CD)

In response to Kathy Polenski, City Manager Schwabauer explained that the $1 million figure is the amount of the grant that the City is asking for from the federal govermment.

Council Member Johnson made a motion, second by Mayor Katzakian, to adopt Resolution No. 2014-113 authorizing the City Manager to submit an application to the California State Department of Housing and Community Development for CalHome Program funding; and if selected, the execution of a standard agreement, any amendments thereto, and any related documents necessary to participate in the CalHome Program in the amount of $1,000,000.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian
Noes: None
Absent: None

C-18 Adopt Amended Resolution Requesting the Board of Supervisors to Consolidate the General Municipal Election to be Held on November 4, 2014 with the Statewide General Election (CLK)

Adopted amended Resolution No. 2014-111 requesting the Board of Supervisors to consolidate the General Municipal Election to be held on November 4, 2014 with the Statewide General Election.

C-19 Set Public Hearing for August 6, 2014, for the Consideration and Adoption of Resolutions of Necessity for the Acquisition in Eminent Domain of Certain Real Property for Public Purposes, Namely the Real Property Identified Below, in Connection with the Harney Lane Grade Separation Project: a) A Portion of Property Located at 13160 North West Lane (APN 058-110-47), Negotiating Party: F&L Costa Family L.P.; b) A Portion of Property Located at 120 East Harney Lane (APN 058-130-24), Negotiating Party: Diane Tsutsumi and Gary & Joyce Tsutsumi 2011 Trust; c) A Portion of Property Located at 2601 South Stockton Street (APN 058-130-02), Negotiating Parties: Sean & Summer Varner; d) A Portion of Property Located at 127 East Harney Lane (APN 062-410-25), Negotiating Party: Valley Iron Works, Inc.; f) A Portion of Property Identified as APN 058-100-03, Negotiating Party: FF, L.P.; and g) A Portion of Property Located at 2538 Banyan Drive (APN 062-260-11), Negotiating Party: Sorour Partners, L.P., a California Limited Partnership (CA)

Set public hearing for August 6, 2014, for the consideration and adoption of resolutions of necessity for the acquisition in eminent domain of certain real property for public purposes, namely the real property identified below, in connection with the Harney Lane Grade Separation Project: a) a portion of property located at 13160 North West Lane (APN 058-110-47), negotiating party: F&L Costa Family L.P.; b) a portion of property located at 120 East Harney Lane (APN 058-130-24), negotiating party: Diane Tsutsumi and Gary & Joyce Tsutsumi 2011 Trust; c) a portion of property located at 2601 South Stockton Street (APN 058-130-02), negotiating parties: Sean & Summer Varner; d) a portion of property located at 127 East Harney Lane (APN 062-410-25), negotiating party: Valley Iron Works, Inc.; f) a portion of property identified as APN 058-100-03, negotiating party: FF, L.P.; and g) a portion of property located at 2538 Banyan Drive (APN 062-260-11), negotiating party: Sorour Partners, L.P., a California Limited Partnership.

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 6.3l). 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.

John Slaughterback spoke in regard to his concerns about unfunded liabilities for employees and public benefits fund management.

Wanda Harrison spoke in regard to her concern about a policy for the review of complaints against a police officer and police process.

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

Council Member Nakanishi wished City Clerk Randi Johl well in her new job with the City of Temecula.

Council Member Mounce provided comments regarding PEPRA legislation, unfunded liabilities, and the Relay for Life event and wished City Clerk Randi Johl well.

Mayor Pro Tempore Hansen provided comments regarding DeBenedetti Park, family resource center efforts, and unfunded State mandates.

Council Member Johnson provided comments regarding unfunded mandates and other challenges facing all cities and wished City Clerk Randi Johl well.

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

City Manager Schwabauer provided a brief overview of the financial forecast for the City of Lodi going into 2017.

G. Public Hearings - None

H. Communications

H-1 Appointments to the Greater Lodi Area Youth Commission (Adult Advisors / Student Appointees) and Re-Post for One Remaining Vacancy (Student Appointee) (CLK)

Council Member Mounce made a motion, second by Mayor Pro Tempore Hansen, to make the following appointments and to direct the City Clerk to re-post for one remaining vacancy:

APPOINTMENTS:
Greater Lodi Area Youth Commission

Adult Advisors
Nicole Grauman, term to expire May 31, 2017
Jennifer Phillips-Lorentzen, term to expire May 31, 2017

Student Appointees
Cole Carouba, term to expire May 31, 2016
Hayden Johnson, term to expire May 31, 2016
Madison Litton, term to expire May 31, 2016
Ryan Ozminkowski, term to expire May 31, 2016

POSTINGS:
Greater Lodi Area Youth Commission
One Vacancy, term to expire May 31, 2016

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian
Noes: None
Absent: None

I. Regular Calendar

I-1 Adopt Resolution Approving the Memorandum of Understanding Between the City of Lodi and the International Brotherhood of Electrical Workers for the Period of May 1, 2014 Through December 31, 2017 (CM)

Human Resources Manager Adele Post provided a brief overview of the terms of the proposed Memorandum of Understanding for International Brotherhood of Electrical Workers as set forth in the staff report.

In response to Council Member Mounce, Ms. Post stated there are 13 employees in the non-rubber glove unit and 16 in the rubber glove unit with 29 total employees.

A brief discussion ensued between Council Member Mounce and City Manager Schwabauer regarding consistency with other bargaining units in Lodi as it relates to specific terms, including retirement contributions for CalPERS, and comparisons with other electric utility municipalities.

Gary Wiman, representing the Mid-Managers Association, asked that the City Council give equal salary consideration for all Lodi employees.

Mayor Pro Tempore Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2014-114 approving the Memorandum of Understanding between the City of Lodi and the International Brotherhood of Electrical Workers for the period of May 1, 2014 through December 31, 2017.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian
Noes: None
Absent: None

I-2 Adopt Resolution Approving Side Letter Agreement Amending the Memorandum of Understanding Between the City of Lodi and the Lodi Professional Firefighters Effective January 1, 2014 Through December 31, 2014 (CM)

Human Resources Manager Adele Post provided a brief overview of the technical change proposed to be remedied in the side letter with the Lodi Professional Firefighters.

Council Member Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2014-115 approving side letter agreement amending the Memorandum of Understanding between the City of Lodi and the Lodi Professional Firefighters effective January 1, 2014 through December 31, 2014.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian
Noes: None
Absent: None

I-3 Adopt Resolution Approving the Classification and Salary Range for the Newly Created Position of Electrical Engineer (CM)

Human Resources Manager Adele Post provided a brief overview of the proposed classification for the position of Electrical Engineer.

Council Member Johnson made a motion, second by Mayor Pro Tempore Hansen, to adopt Resolution No. 2014-116 approving the classification and salary range for the newly created position of Electrical Engineer.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian
Noes: None
Absent: None

I-4 Provide Direction to Staff Regarding Council Benefits Package (CM)

City Manager Schwabauer provided a brief overview of the subject matter of Council benefits as set forth in the staff report.

Council Member Mounce suggested that the current health benefits for City Council Members be changed to provide coverage for only the Council Members and not their respective spouses and families.

In response to Mayor Katzakian, Mr. Schwabauer stated the salary for Lodi Council Members is limited by the Government Code because it is a general law city whereas Stockton is a charter city.

In response to Council Member Mounce, Mr. Schwabauer confirmed that any change in Council benefits would not be applicable until after the next election.

A brief discussion ensued amongst the City Council regarding benefits for Council Members and their families.

Council Member Johnson made a motion, second by Council Member Nakanishi, to retain the existing benefits for the City Council and bring the medical cap in line with the 2014 rates for employees.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Johnson, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian
Noes: Council Member Mounce
Absent: None

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:30 p.m.

ATTEST:

Randi Johl-Olson

City Clerk/Legislative Affairs Officer