

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, SEPTEMBER 2, 2015**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of September 2, 2015, was called to order by Mayor Johnson at 6:02 p.m.

Present: Council Member Chandler, Council Member Kuehne, Council Member Mounce, and Mayor Johnson

Absent: Council Member Nakanishi

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

C-2 Announcement of Closed Session

- a) Threatened Litigation - Government Code §54956.9(b); One Application; Potential Litigation of Workers Compensation Claim by Aimee (Murray) New against City of Lodi; WCAB Claim No. CLGG-348840 (DOI: 11/21/06) (CA)
- b) Prospective Option to Lease City Property (20+ Acres Adjacent to White Slough Water Pollution Control Facility, Located at 12475 North Thornton Road, Lodi, CA); the Negotiating Parties are PG&E and the City of Lodi; Price and Terms of the Lease are Under Negotiation; Government Code §54956.8 (CA)
- c) Public Employment - Council Appointee - Job Title, City Manager; Pursuant to Government Code §54957

C-3 Adjourn to Closed Session

At 6:02 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:53 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 actions.

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

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

A. Call to Order / Roll Call

The Regular City Council meeting of September 2, 2015, was called to order by Mayor Johnson at 7:00 p.m.

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

Absent: None

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

B. Presentations

B-1 California Coastal Cleanup Day and National Pollution Prevention Week Proclamation (PW)

Mayor Johnson presented a proclamation to Watershed Program Coordinator Kathy Grant proclaiming Saturday, September 19, 2015, as California Coastal Cleanup Day and the week of September 21 - 27, 2015, as National Pollution Prevention Week. Ms. Grant encouraged participants to ride their bicycles to this year's event and stated that the National Guard will be joining in the efforts.

B-2 Quarterly Update from the Greater Lodi Area Youth Commission (PRCS)

Greater Lodi Area Youth Commissioners Cole Carouba and Karli Baumbach provided a quarterly update on the Commission's activities and accomplishments. Mr. Carouba reported that six new Student Appointees and one new Adult Advisor joined the group this year and that the Commission is actively planning the Pig Skin dance, which will be held on November 14. Ms. Baumbach stated the Commission is also planning new programs, such as the backpack and school supply drive and a holiday project, as well as reinstating the Teen Lead Program. Council Member Mounce offered her assistance again at the Teen Lead event.

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

Council Member Mounce 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 Chandler, Council Member Kuehne, Council Member Mounce, Council Member Nakanishi, and Mayor Johnson

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$3,656,558.48 (FIN)

Claims were approved in the amount of \$3,656,558.48.

C-2 Approve Minutes (CLK)

The minutes of August 5, 2015 (Regular Meeting), August 5, 2015 (Special Meeting), August 11, 2015 (Shirtsleeve Session), and August 18, 2015 (Shirtsleeve Session) were approved as written.

C-3 Approve Solicitation of Statements of Qualifications for Engineering Services for Continuous Self-Cleaning Coarse Screen, Replacement Motor Control Center, and Electrical and Instrumentation Upgrades at White Slough Water Pollution Control Facility (PW)

Approved the solicitation of statements of qualifications for engineering services for continuous self-cleaning coarse screen, replacement motor control center, and electrical and instrumentation upgrades at White Slough Water Pollution Control Facility.

C-4 Adopt Resolution Authorizing City Manager to Execute the Purchase of Two New Fire Engines; Approving Debt Financing with Farmers and Merchants Bank in the Amount of \$468,000; Authorizing City Manager and Deputy City Manager to Execute All Necessary Financing Documents; and Appropriating Funds (\$32,000) (FD)

Adopted Resolution No. 2015-149 authorizing the City Manager to execute the purchase of two new fire engines; approving debt financing with Farmers and Merchants Bank in the amount of \$468,000; authorizing the City Manager and Deputy City Manager to execute all necessary financing documents; and appropriating funds in the amount of \$32,000.

C-5 Adopt Resolution Awarding Bid for the Purchase of Two Pad Mount Switches from HD Supply Power Solutions, of Portland, Oregon (\$76,000) (EU)

Adopted Resolution No. 2015-150 awarding the bid for the purchase of two pad mount switches from HD Supply Power Solutions, of Portland, Oregon, in the amount of \$76,000.

C-6 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Durst Contract Interiors, of Stockton, for Purchase and Installation of Office Furniture at City Hall Annex Building (\$84,256) and Appropriating Funds (\$93,000) (PW)

This item was removed from the Consent Calendar at the request of City Manager Schwabauer.

Mr. Schwabauer reported that there is a used furniture dealer in Stockton that buys first class furniture from closing businesses and remarkets the furniture at a lower cost. Staff viewed the furniture and is satisfied with the office furniture but less so with the outdated modular furniture. Mr. Schwabauer stated he believes there is a potential for savings and requested that Council authorize him to negotiate under the \$84,256 limit with either Durst Contract Interiors or Quality Office Liquidations, or a combination thereof, for the purchase, assembly, and installation of office furniture and modular furniture systems at the City Hall Annex Building and Transit Station.

Council Member Mounce expressed appreciation for this suggestion as she believed the price was too high for office furniture.

Council Member Mounce made a motion, second by Mayor Johnson, to adopt Resolution No. 2015-157 authorizing the City Manager to negotiate and execute a Professional Services Agreement with either Durst Contract Interiors, of Stockton, or Quality Office Liquidations, of Stockton, or a combination thereof, for the purchase, assembly, and installation of office furniture and modular furniture systems at the City Hall Annex Building and the Transit Station, including relocation of some Fire Administration furniture, in an amount not to exceed \$84,256, and appropriating the necessary funds for the project.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Kuehne, Council Member Mounce, Council Member Nakanishi, and Mayor Johnson

Noes: None

Absent: None

C-7 Adopt Resolution Awarding Contract for Ham Lane Signal Modification Improvements 2015 to Tim Paxin's Pacific Excavation, Inc., of Elk Grove (\$331,934) (PW)

Adopted Resolution No. 2015-151 awarding the contract for the Ham Lane Signal Modification Improvements 2015 to Tim Paxin's Pacific Excavation, Inc., of Elk Grove, in the amount of \$331,934.

C-8 Adopt Resolution Approving Final Map for The Villas at Sunwest, Tract No. 3823 (PW)

Adopted Resolution No. 2015-152 approving the Final Map for The Villas at Sunwest, Tract No. 3823.

C-9 Adopt Resolution Authorizing City Manager to Execute Amended and Restated Joint Exercise of Powers Agreement of the Eastern San Joaquin County Groundwater Basin Authority (PW)

Adopted Resolution No. 2015-153 authorizing the City Manager to execute the amended and restated Joint Exercise of Powers Agreement of the Eastern San Joaquin County Groundwater Basin Authority.

C-10 Adopt Resolution Authorizing City Manager to Execute the State Homeland Security Grant Memorandum of Understanding and Appropriating Funds (\$50,000) (PD)

Adopted Resolution No. 2015-154 authorizing the City Manager to execute the State Homeland Security Grant Memorandum of Understanding and appropriating funds in the amount of \$50,000.

C-11 Authorize Mayor to Sign a Letter in Response to the San Joaquin County Grand Jury Report on Unattended For-Profit Donation Bins (CM)

Authorized the Mayor to sign a letter in response to the San Joaquin County Grand Jury Report on unattended for-profit donation bins.

C-12 Adopt Resolution Authorizing City Manager to Appropriate Vehicle Replacement Funds (\$146,900) (PD)

Adopted Resolution No. 201-155 authorizing the City Manager to appropriate Vehicle Replacement Funds in the amount of \$146,900.

C-13 Adopt Resolution Approving Fiscal Year 2015/16 Arts Grants (PRCS)

Adopted Resolution No. 2015-156 approving Fiscal Year 2015/16 Arts Grants.

C-14 Receive Update on Emergency Condition at Grape Bowl (PRCS)

Received an update on the emergency condition at the Grape Bowl.

C-15 Set Public Hearing for October 21, 2015, to Consider Unmet Transit Needs in Lodi (PW)

Set a Public Hearing for October 21, 2015, to consider unmet Transit needs in Lodi.

C-16 Adopt Resolution Amending Section 7 (b) of City Manager's Employment Agreement

This item was removed from the Consent Calendar at the request of Mayor Johnson.

Mayor Johnson stated he was not in a position to discuss the matter at length, as it involves a personnel issue, but he indicated he would not vote in favor of the request.

Council Member Chandler made a motion to amend Section 7 (b) of City Manager's employment agreement. The motion failed for lack of a second.

VOTE:

The above motion failed by the following vote:

Ayes: None

Noes: None

Absent: None

Mayor Johnson made a motion, second by Council Member Kuehne, to deny the request to amend Section 7 (b) of City Manager's employment agreement.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Kuehne, Council Member Mounce, Council Member Nakanishi, and Mayor Johnson

Noes: Council Member Chandler

Absent: None

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.

None.

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

Council Member Nakanishi provided an update on the Sustainable Groundwater Management Act, stating that the Groundwater Basin Authority sent letters to all cities inviting mayors to participate in a workshop on Wednesday, September 9 to discuss the formation of a Groundwater Sustainability Agency and that he would be attending on behalf of Mayor Johnson.

Council Member Kuehne reported that he attended a mobile workshop at the Sacramento Regional Wastewater Treatment Plant, which was awarded the largest Federal loan of \$2 billion to upgrade the plant, and toured further along the Delta River to view the twin tunnels below the area where the plant will be dumping its water. Further, he reported that he attended the San Joaquin Council of Governments meeting and confirmed that the Turner Road/Highway 99 upgrade is still scheduled for funding; however, the timing may be moved back somewhat. At the meeting, Stephen Qualls with the League of California Cities reported that the League is looking to join with other entities, organizations, and governmental agencies to sign an agreement on the transportation bill, which would accomplish the following: make significant investments in transportation; maintain and rehabilitate the current system; invest a portion of tax or cap and trade revenue toward high priority needs; raise revenue across a broad range of options; require an equal split among state and local projects; provide strong accountability to protect taxpayers' investment; and provide consistent annual funding levels. Mr. Kuehne further presented the City with a framed aerial view of Hutchins Street Square during the recent Amgen tour.

Council Member Mounce commended the hard work council members across the state do to closely monitor legislation enacted in Sacramento in order to protect local control. Ms. Mounce reported that the League of California Cities fought hard against Assembly Bill 718, which would allow individuals to sleep in vehicles in front of residences and businesses, thereby taking away local police control. The legislation will likely return as a two-year bill with greater local control. With regard to the transportation bill, Ms. Mounce stated there is a division between Republicans and Democrats on how they want to see the funds divided, but there is \$10 billion worth of transportation repairs that need to be addressed by either reallocating funds already in existence or developing a future revenue source. She stated that the public deserves safe roads and should make their voices heard in Sacramento.

Mayor Pro Tempore Chandler reported that he was selected to serve as an Executive Committee officer on the Northern California Power Agency (NCPA) and stressed the importance of Lodi being represented at that level as NCPA is allied with many agencies in the State. With the ever changing rules in the energy business, it is critical that Lodi be at the negotiating table with NCPA. He thanked Electric Utility Director Elizabeth Kirkley for her assistance in helping him become further educated throughout this process.

Council Member Mounce stated that she just learned from League Director Chris McKenzie that the Governor will hold an emergency meeting tomorrow to discussion the transportation funding plan.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Resolution Establishing Area of Benefit and Reimbursable Costs for Harney Lane Grade Separation Project Utility Undergrounding (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 establishing an area of benefit and reimbursable costs for the Harney Lane Grade Separation Project utility undergrounding.

Public Works Director Wally Sandelin provided a presentation regarding the area of benefit and reimbursable costs for the Harney Lane Grade Substation Project utility undergrounding. Specific topics of discussion included purpose and establishment of the area of benefit, reimbursement to the City for underground utility costs in conjunction with the project, Reynolds Ranch project condition of approval for payment of costs and concurrence from the developers, and obligation of the remaining undeveloped parcels in the shopping center to reimburse the City on a proportionate basis of net acreage.

Mayor Johnson opened the public hearing for public comment.

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

Council Member Mounce made a motion, second by Council Member Kuehne, to adopt Resolution No. 2015-158 establishing an area of benefit and reimbursable costs for Harney Lane Grade Separation Project utility undergrounding.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Kuehne, Council Member Mounce, Council Member Nakanishi, and Mayor Johnson

Noes: None

Absent: None

G-2 Public Hearing to Adopt Resolution of Formation of the Lodi Tourism Business Improvement District (CM)

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 a resolution of formation of the Lodi Tourism Business Improvement District (LTBID).

Business Development Manager Adam Brucker provided a presentation regarding formation of the LTBID. Specific topics of discussion included summary of past Council actions to formalize the new LTBID and disestablish the existing LTBID; San Joaquin County's consent to include Area 31, known as Flag City; mailed notices to owners of lodging businesses; 45-day protest period with no protests received; and requested action to adopt a resolution forming the new LTBID. Mr. Brucker stated that, if adopted, the new District would become effective in 30 days and the lodging owners will be notified.

Mayor Johnson opened the public hearing for public comment.

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

Council Member Nakanishi made a motion, second by Council Member Chandler, to adopt Resolution No. 2015-159 forming the Lodi Tourism Business Improvement District.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Kuehne, Council Member Mounce, Council Member Nakanishi, and Mayor Johnson

Noes: None

Absent: None

H. Communications - None

I. Regular Calendar

I-1 Adopt Resolution Approving Policy for Sick Leave Benefits for Part-Time, Temporary, or Seasonal Employees in Accordance with Assembly Bill No. 1522, the Healthy Workplaces, Healthy Families Act of 2014 (CM)

Human Resources Manager Adele Post provided a presentation regarding the policy for sick leave benefits for part-time, temporary, and seasonal employees. Specific topics of discussion included Assembly Bill 1522, Healthy Workplaces, Healthy Families Act of 2014; optional methods for providing paid sick leave; and the City's selection of the accrual method versus a front-loaded bank of hours. The policy, which starts on July 1, 2015, provides 1 hour of paid sick leave for every 30 hours worked; ability to carry over leave from year to year; maximum accrual cap of six days, or 48 hours; no cash value for sick leave bank; restoration of accrued bank for those who separate employment and are rehired within one year; and ability to use the leave for self, family, or for an employee who is the victim of domestic violence. Ms. Post stated that the City is in compliance with the law and that costs are unknown at this time, but the City will have data after one year.

In response to Council Member Nakanishi, Ms. Post stated that the cost estimate is based on the number of part-time employees and number of hours worked and that staff will provide an approximation. She further explained that a front-loaded bank of hours is 24 hours for each employee at the beginning of the year, which could be used immediately after 90 days without carryover; whereas, the accrual method is based on the number of hours worked. She added that, because not all part-time employees will reach 24 hours, the front-loaded bank of leave is less suitable. In further response, Mr. Post stated that the accrual method will be simple to track.

Council Member Mounce agreed that the accrual method should be easy enough to track and that she looked forward to receiving information on the estimated cost.

Deputy City Manager Jordan Ayers provided a rough estimation on the cost based on an average wage of \$15 per hour for 400 part-time employees during a one-year period, stating the cost would be \$140,000 if all 400 employees used 24 hours of sick leave. In actual experience, that cost would likely be lower as a number of employees may accrue hours and not use it, some may use all 24 hours, and some may separate employment and return. Mr. Ayers stated that the more important issue is loss of productivity.

Council Member Mounce requested that dollars be set aside during mid-year budget review to cover the estimated costs for this program. Mr. Ayers stated staff will track the cost of part-time usage and include it with the mid-year budget. Council Member Mounce stated she was not opposed to providing sick leave for part-time employees, but this mandate is another example of the State legislature imposing across-the-board laws on cities.

In response to Council Member Kuehne, Ms. Post provided some clarification on AB1522, stating that the bill went through various amendments before it was enacted and the City opted for the simplest method.

Scott Summer questioned how part-time employees who work overtime would be handled, to which Mr. Post stated that most part-time employees do not work overtime; however, her intention is to apply every hour worked toward the accrual.

Council Member Mounce made a motion, second by Council Member Kuehne, to adopt Resolution No. 2015-160 approving the policy for sick leave benefits for part-time, temporary, or

seasonal employees in accordance with Assembly Bill No. 1522, the Healthy Workplaces, Healthy Families Act of 2014.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Kuehne, Council Member Mounce, Council Member Nakanishi, and Mayor Johnson

Noes: None

Absent: None

J. Ordinances

J-1 Ordinance No. 1912 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 12 - Streets, Sidewalks and Public Places - by Repealing Chapter 12.07, 'Lodi Tourism Business Improvement District,' in Its Entirety, Thereby Rescinding Ordinance No. 1753 and Ordinance No. 1818, Disestablishing the Lodi Tourism Business Improvement District" (CLK)

Council Member Mounce made a motion, second by Council Member Chandler, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1912 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 12 - Streets, Sidewalks and Public Places - by Repealing Chapter 12.07, 'Lodi Tourism Business Improvement District,' in Its Entirety, Thereby Rescinding Ordinance No. 1753 and Ordinance No. 1818, Disestablishing the Lodi Tourism Business Improvement District," which was introduced at a regular meeting of the Lodi City Council held August 5, 2015.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Kuehne, Council Member Mounce, Council Member Nakanishi, and Mayor Johnson

Noes: None

Absent: None

J-2 Ordinance No. 1914 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 17.18 - Residential Zoning Districts - by Repealing and Re-Enacting Section 17.18.303, 'Residential Zoning District Land Uses and Permit Requirements;' and Amending Chapter 17.22 - Mixed Use Zoning Districts - by Repealing and Re-Enacting Section 17.22.030, 'Mixed Use Zoning Districts Land Uses and Permit Requirements,' in Their Entirety" (CLK)

Council Member Mounce made a motion, second by Council Member Kuehne, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1914 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 17.18 - Residential Zoning Districts - by Repealing and Re-Enacting Section 17.18.303, 'Residential Zoning District Land Uses and Permit Requirements;' and Amending Chapter 17.22 - Mixed Use Zoning Districts - by Repealing and Re-Enacting Section 17.22.030, 'Mixed Use Zoning Districts Land Uses and Permit Requirements,' in Their Entirety," which was introduced at a regular meeting of the Lodi City Council held August 19, 2015.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Kuehne, Council Member Mounce, Council Member Nakanishi, and Mayor Johnson

Noes: None

Absent: None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:52 p.m.

ATTEST:

Jennifer M. Ferraiolo  
City Clerk