

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 3, 2014**

- C-1 Call to Order / Roll Call - N/A
- C-2 Announcement of Closed Session - N/A
- C-3 Adjourn to Closed Session - N/A
- C-4 Return to Open Session / Disclosure of Action - N/A
- A. Call to Order / Roll Call

The Regular City Council meeting of September 3, 2014, was called to order by Mayor Katzakian at 7:02 p.m.

Present: Council Member Johnson, Council Member Nakanishi, and Mayor Katzakian
Absent: Council Member Mounce, and Mayor Pro Tempore Hansen
Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Robison

B. Presentations

B-1 Quarterly Update by the Greater Lodi Area Youth Commission (PRCS)

Daniel Anaforian and Josh Baumbach, members of the Greater Lodi Area Youth Commission, provided an update on the activities and accomplishments of the Commission, including the Pig Skin dance in November, school dodgeball tournament, and the Teen Lead Program.

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

Council Member Nakanishi made a motion, second by Council Member Johnson, 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 Nakanishi, and Mayor Katzakian

Noes: None

Absent: Council Member Mounce, and Mayor Pro Tempore Hansen

C-1 Receive Register of Claims in the Amount of \$7,413,932.26 (FIN)

Claims were approved in the amount of \$7,413,932.26.

C-2 Approve Minutes (CLK)

The minutes of August 19, 2014 (Shirtsleeve Session), August 20, 2014 (Regular Meeting), and August 26, 2014 (Shirtsleeve Session) were approved as written.

C-3 Accept Quarterly Report of Purchases Between \$10,000 and \$20,000 (CM)

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

C-4 Approve Specifications and Authorize Advertisement for Bids for Granular Activated Carbon Replacement, Well No. 18 and No. 20 (PW)

Approved the specifications and authorized advertisement for bids for Granular Activated Carbon Replacement, Well No. 18 and No. 20.

C-5 Approve Specifications and Authorize Advertisement for Bids for Surface Water Treatment Facility Aluminum Chlorohydrate Chemical Supply (PW)

This item was pulled from the Consent Calendar by Council Member Nakanishi for comment regarding the importance of hiring a reputable company with quality products even when the firm is the sole manufacturer of the product.

Council Member Nakanishi made a motion, second by Council Member Johnson, to approve the specifications and authorize advertisement for bids for Surface Water Treatment Facility aluminum chlorohydrate chemical supply.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Nakanishi, and Mayor Katzakian

Noes: None

Absent: Council Member Mounce, and Mayor Pro Tempore Hansen

C-6 Adopt Resolution Approving the Sole Source Purchase of Skimmer Chain and Flight Collector Equipment for White Slough Water Pollution Control Facility from Tenco Hydro, Inc., of Brookfield, IL (\$70,000) (PW)

Adopted Resolution No. 2014-163 approving the sole source purchase of skimmer chain and flight collector equipment for White Slough Water Pollution Control Facility from Tenco Hydro, Inc., of Brookfield, IL, in the amount of \$70,000.

C-7 Adopt Resolution Approving Sole Source Purchase of Return Activated Sludge Pump for White Slough Water Pollution Control Facility from Pump Repair Service Company, of San Francisco (\$29,000) (PW)

Adopted Resolution No 2014-164 approving sole source purchase of return activated sludge pump for White Slough Water Pollution Control Facility from Pump Repair Service Company, of San Francisco, in the amount of \$29,000.

C-8 Adopt Resolution Awarding Bids for the Purchase of Underground Cable from The Okonite Company, of San Ramon (\$48,330) and from Prysmian, c/o Pacific Utilities, of Concord (\$106,432) (EU)

Adopted Resolution No. 2014-165 awarding bids for the purchase of underground cable from the Okonite Company, of San Ramon, in the amount of \$48,330, and from Prysmian, c/o Pacific Utilities, of Concord, in the amount of \$106,432.

C-9 Adopt Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Cooper Compliance, of El Dorado Hills, for SharePoint Development Services (\$44,000) (EU)

Adopted Resolution No. 2014-166 authorizing the City Manager to execute a Professional Services Agreement with Cooper Compliance, of El Dorado Hills, for SharePoint Development

Services.

C-10 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement with Nolte Associates, Inc., of Manteca, for Preparation of Updated Operations and Maintenance Manual for White Slough Water Pollution Control Facility (\$86,400) (PW)

This item was pulled from the Consent Calendar for discussion by Council Member Johnson.

Council Member Johnson expressed concern with the requested action based on the fact that the White Slough Water Pollution Control Facility has been functioning well under a 37-year-old operations manual and that the Regional Water Quality Control Board has only recommended the manual be updated, rather than required it. The City continues to meet the standards and requirements under its current manual, and he believed it was unnecessary to spend \$86,000 for consultants to update the document when there is qualified staff that operates the plant on a daily basis that can update the existing manual. He suggested saving the \$86,000 by preparing the manual in-house and returning that savings to staff.

Public Works Director Wally Sandelin stated that the 1977 manual is obsolete and a complete re-write is necessary. He believed that staff did not have the hours required to create this manual.

Council Member Johnson stated he believed that staff could handle this task and, therefore, he would not support the request.

Council Member Nakanishi agreed, stating that staff should re-write the manual and bring it back to Council next year.

In response to Mayor Katzakian, Mr. Sandelin stated that an operations and maintenance manual is typically an element of a construction contract and prepared by the contractor in design engineering; however, that was not included in the construction document requirements during the previous two phases of upgrades. Mr. Sandelin stated this undertaking would involve many hours of staff time that would have to be incorporated into the normal work schedule and that certain tasks, such as creation of diagrams, cannot be accomplished at the plant.

Council Member Johnson stressed again that this was only a recommendation by the Board with no penalty or fine tied to it and that the plant has been functioning well under the antiquated manual. Mr. Sandelin responded that this was not a time sensitive matter, and City Manager Schwabauer stated that staff would review the matter and return to Council with options.

No action was taken on this matter.

C-11 Adopt Resolution Authorizing the City Manager to Execute Agreement with Central Valley Clean Water Association for Participation in Phase I of the Freshwater Mussels Special Project (PW)

Adopted Resolution No. 2014-167 authorizing the City Manager to execute agreement with Central Valley Clean Water Association for participation in Phase I of the Freshwater Mussels Special Project.

C-12 Adopt Resolution Authorizing the Lodi Police Department to Participate in a Selective Traffic Enforcement Program Grant Funded by the Office of Traffic Safety and Appropriating Funds (\$154,000) (PD)

Adopted Resolution No. 2014-168 authorizing the Lodi Police Department to participate in a Selective Traffic Enforcement Program Grant funded by the Office of Traffic Safety and

appropriating funds in the amount of \$154,000.

- C-13 Adopt Resolution Authorizing the City Attorney to Negotiate and Enter into Fee Agreements with Angelo, Kilday and Kilduff for Legal Representation of the City of Lodi and Lodi Police Chief; and Mayall Hurley, P.C. for Legal Representation of Lodi Police Officers in the Matter of Sukhwinder Kaur, et al. v. City of Lodi, et al.; United States District Court, Eastern District of California, Case No. 2:14-cv-0828 GEB-AC (CA)

Adopted Resolution No. 2014-169 authorizing the City Attorney to negotiate and enter into fee agreements with Angelo, Kilday and Kilduff for legal representation of the City of Lodi and Lodi Police Chief; and Mayall Hurley, P.C. for legal representation of Lodi Police Officers in the matter of Sukhwinder Kaur, et al. v. City of Lodi, et al.; United States District Court, Eastern District of California, Case No. 2:14-cv-0828 GEB-AC.

- C-14 Adopt Resolution Authorizing the City Attorney to Negotiate and Enter into Fee Agreements with (i) Angelo, Kilday and Kilduff, and (ii) Mayall Hurley, P.C. for Representation of the City of Lodi in Several Pending State and Federal Court Actions (CA)

Adopted Resolution No. 2014-170 authorizing the City Attorney to negotiate and enter into fee agreements with (i) Angelo, Kilday and Kilduff, and (ii) Mayall Hurley, P.C. for representation of the City of Lodi in several pending State and Federal court actions.

- C-15 Receive Update on Emergency Condition at White Slough Water Pollution Control Facility Digesters No. 1 and No. 2 (PW)

This item was pulled from the Consent Calendar at the request of Council Member Nakanishi for a staff report.

Public Works Director Wally Sandelin stated that the City received bids from two contractors and the recommendation is to award the project to the successful contractor, Western Water Constructors, for \$1.995 million and a total project cost for both digesters of \$2.3 million.

Council Member Nakanishi made a motion, second by Council Member Johnson, to accept the update on emergency condition at White Slough Water Pollution Control Facility Digesters No. 1 and No. 2.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Nakanishi, and Mayor Katzakian

Noes: None

Absent: Council Member Mounce, and Mayor Pro Tempore Hansen

- C-16 Set Public Hearing for October 1, 2014, to Certify a Mitigated Negative Declaration for the City of Lodi Industrial Wastewater Pipeline Extension (CD)

Set public hearing for October 1, 2014, to certify a Mitigated Negative Declaration for the City of Lodi industrial wastewater pipeline extension.

- 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 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.

John Slaughterback stated that he had an opportunity to view the digesters at the White Slough Water Pollution Control Plant and that he has a better understanding of the project, the complexity of the issue, the magnitude and size of the digesters, and the licensing requirements of the State water board. He thanked Karen Honer, Wastewater Plant Supervisor, for taking the time to explain the project to him and further expressed the importance of continuing to question matters that come before Council.

City Manager Schwabauer reminded the public that \$3.1 million was never the price of the project; it was merely an engineer's estimate until contractors bid on the project and the price came in lower.

Council Member Nakanishi reported on two pieces of legislation: 1) use of plastic bags in California; and 2) use of groundwater recharge, which will have an impact on farmers.

Clifford Weaver expressed complaints regarding the transit reservation system, stating that reservations are to be taken during open office hours, yet reservations are being shut off and limited to certain hours. He felt that, as long as dispatchers are in the office, they should accept reservations. In addition, Mr. Weaver expressed concern about the homeless situation and questioned what the City could do to alleviate this growing problem.

In response to Council Member Nakanishi, City Manager Schwabauer stated that the condition of being homeless is not a crime and those individuals have a Constitutional right to be in a neighborhood; however, police can respond if individuals are committing crimes. Some cities offer programs to address homelessness, and staff will be returning to Council with options, but all of those programs are heavily financially driven and most of those cities have funds and resources to commit to providing those services. In further response, staff will provide information to Council regarding the transit reservation system.

Robina Asghar, Executive Director of the San Joaquin Community Partnership for Families (CPF), stated the organization is celebrating its 15th year and is looking to move its office back to Lodi. She presented information on CPF's partnerships and efforts, and further requested the City's assistance in locating a viable site in which to establish an office in town. Ms. Asghar expressed her hope that, by returning to Lodi, the organization will begin to rekindle its partnerships with Lodi organizations. She stated that CPF will hold meetings with various groups over the next six months and will host a public meeting in January.

Savong Lam, neighborhood base program director with CPF, spoke of the various programs offered by CPF that provide assistance to low-income families, stating that the organization is typically placed in a high-risk, high-need area and consists of public and private partnerships.

Hector Lara, representing CPF, explained that his role in the organization is partnership development and collaborations, and he reported on his current outreach initiatives. He stated that there has not yet been an outreach to Lodi, but he is looking forward to establishing a partnership with elected officials and other community organizations.

Ms. Asghar added that CPF has two staff members, but she does not plan to hire full-time staff until she can secure an office location in Lodi.

Mr. Schwabauer stated that staff is exploring site options for CPF and that the Fire Administration

building, which will be vacated following construction of the public safety building, may be an option. He added that the City would need to receive Federal Transit Administration approval, but staff will begin looking into the process.

Alex Aliferis spoke in support of body cameras for police officers, such as those being used by the City of Rialto, and stated that it should be pursued in Lodi. He further expressed his opinion that police departments should not be militarized, nor should they utilize armored vehicles.

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

Council Member Johnson read a newspaper article regarding the California Public Employees Retirement System, stating that the group, which manages and creates pensions for employees throughout the state, is dominated by union representatives and union-friendly politicians and that it recently created a new method of spiking pensions for State employees, which will push costs higher.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Adopting Resolution Approving the 2013/14 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report; an Amendment of the 2014/15 Action Plan to Accommodate the Reallocation of Unused CDBG Funds; and Appropriating Funds (\$6,915) (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 resolution approving the 2013/14 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER); an amendment of the 2014/15 Action Plan to accommodate the reallocation of unused CDBG funds; and appropriating funds in the amount of \$6,915.

Neighborhood Services Manager Joseph Wood provided a PowerPoint presentation regarding the 2013/14 CDBG CAPER and amendment of the 2014/15 Action Plan. Specific topics of discussion included CDBG accomplishments from 2009-2014, amendment of the 2014/15 Action Plan, and public hearing and recommendation.

Mayor Katzakian opened the public hearing for public comment.

Kathy Polenske questioned why the spay and neuter program had remaining funds to reallocate to other projects.

Mr. Wood explained that vouchers are distributed for the program and the remaining funds are attributable to unused vouchers. Each year, the program will typically have \$2,000 remaining to reallocate.

City Manager Schwabauer added that it is equivalent to distributing gift certificates; if they are not used by a certain date, they are reallocated elsewhere. He stated this was the last year that CDBG funding would be set aside for the spay and neuter program as the City will now budget \$20,000 for the program and will have the ability to allocate unused funds back into the program.

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

Council Member Nakanishi made a motion, second by Council Member Johnson, to adopt Resolution No. 2014-171 approving the 2013/14 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report; an amendment of the 2014/15 Action Plan to accommodate the reallocation of unused CDBG funds; and appropriating funds in the amount of \$6,915.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Nakanishi, and Mayor Katzakian

Noes: None

Absent: Council Member Mounce, and Mayor Pro Tempore Hansen

H. Communications - None

I. Regular Calendar - None

J. Ordinances

J-1 Adopt Ordinance No. 1897 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 2.12 - City Manager - by Repealing and Reenacting Section 2.12.040, 'Bond,' in Its Entirety" (CLK)

Council Member Nakanishi made a motion, second by Council Member Johnson, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1897 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 2.12 - City Manager - by Repealing and Reenacting Section 2.12.040, 'Bond,' in Its Entirety," which was introduced at a regular meeting of the Lodi City Council held August 20, 2014.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Nakanishi, and Mayor Katzakian

Noes: None

Absent: Council Member Mounce, and Mayor Pro Tempore Hansen

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:02 p.m., in memory of Frances Swanson, long-time member of the Lodi Partners Program, who passed away on August 24, 2014.

ATTEST:

Jennifer M. Robison
City Clerk