

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, DECEMBER 17, 2014**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of December 17, 2014, was called to order by Mayor Johnson at 5:30 p.m.

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

Absent: None

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

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 5:30 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:47 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 only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of December 17, 2014, was called to order by Mayor Johnson at 7:00 p.m.

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

Absent: None

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

B. Presentations

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

Evan Gardella, member of the Greater Lodi Area Youth Commission, provided an update on the Commission's accomplishments, including the Pig Skin formal, as well as its upcoming activities such as the Sadie Hawkins dance, can food drive, and dodgeball tournament.

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

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$4,357,614.25 (FIN)

Claims were approved in the amount of \$4,357,614.25.

C-2 Approve Minutes (CLK)

The minutes of November 25, 2014 (Shirtsleeve Session), November 25, 2014 (Special Meeting), December 2, 2014 (Shirtsleeve Session), December 3, 2014 (Regular Meeting), December 9, 2014 (Shirtsleeve Session), and December 9, 2014 (Special 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 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 Approve Plans and Specifications and Authorize Advertisement for Bids for Water Meter Program Phase 5 Project (PW)

Approved the plans and specifications and authorized advertisement for bids for the Water Meter Program Phase 5 Project.

C-6 Approve Specifications and Authorize Advertisement for Bids for 2015 GrapeLine Bus Stop Accessibility and Shelter Improvements (PW)

Approved the specifications and authorized advertisement for bids for the 2015 GrapeLine Bus Stop Accessibility and Shelter Improvements Project.

C-7 Adopt Resolution Authorizing Purchase of 2014 Isuzu Commercial Van for Graffiti Abatement from Diesel Performance, Inc., of Stockton (\$68,276) (PW)

This item was removed from the Consent Calendar at the request of Council Member Kuehne for discussion purposes.

In response to Council Member Kuehne, Public Works Director Wally Sandelin provided a report on the request for the commercial van purchase, stating that the current vehicle is almost 15 years old and that the replacement is a special purpose vehicle. The replacement vehicle is larger, which could hold the necessary graffiti abatement equipment; it includes the diesel package, which offers greater power for transporting the heavy equipment load; it has a low profile, making it a more stable vehicle; and the diesel engine is less expensive to maintain and the fuel is comparable to gas prices. Dodge and GMC offer smaller, slightly less expensive vehicles; although, they have a smaller profile and interior. The Isuzu van allows plenty of interior room to prepare the graffiti removal equipment. In further response to Council Member Kuehne, Mr. Sandelin confirmed the City has in-house staff to maintain the diesel engine.

In response to Council Member Mounce, Mr. Sandelin explained Measure K funding, stating that San Joaquin County voters approved a 1/2 percent increase in sales tax years ago, of which Lodi receives approximately \$900,000 a year in street funds to use at its discretion. Graffiti abatement is funded by Measure K and Community Development Block Grant funding, depending upon where the graffiti occurs. Mr. Sandelin added that this new van would allow enough space to have multiple colors of paint instead of only one color.

Council Member Kuehne offered his assistance on tips to better maintain the interior of the vehicle.

Mayor Johnson reported that he met with the Public Works employee responsible for abating graffiti and agreed he needs a replacement vehicle that can hold the equipment while giving him room to work; however, he remained uncertain about the significant cost of this particular vehicle.

Council Member Mounce made a motion, second by Council Member Nakanishi, to adopt a resolution authorizing the purchase of a 2014 Isuzu commercial van for Graffiti Abatement from Diesel Performance, Inc., of Stockton, in the amount of \$68,276.

VOTE:

The above motion failed by the following vote:

Ayes: Council Member Mounce, and Council Member Nakanishi

Noes: Council Member Kuehne, Mayor Pro Tempore Chandler, and Mayor Johnson

Absent: None

C-8 Adopt Resolution Awarding Bids for Purchase of Transformers from Central Moloney, of Pine Bluff, Arkansas (\$8,310.60); HEES Enterprises, of Astoria, Oregon (\$129,209.04); Howard Industries, of Laurel, Mississippi (\$138,267); and Pacific Utilities, of Concord (\$16,765.92) (EU)

Adopted Resolution No. 2014-226 awarding bids for the purchase of transformers from Central Moloney, of Pine Bluff, Arkansas, in the amount of \$8,310.60; HEES Enterprises, of Astoria, Oregon, in the amount of \$129,209.04; Howard Industries, of Laurel, Mississippi, in the amount of \$138,267; and Pacific Utilities, of Concord, in the amount of \$16,765.92.

C-9 Adopt Resolution Awarding Contract for Northern Plume Monitoring Well Installation Project to Applied Water Resources, of Alameda (\$169,900), and Appropriating Funds (\$12,000) (PW)

Adopted Resolution No. 2014-227 awarding the contract for the Northern Plume Monitoring Well Installation Project to Applied Water Resources, of Alameda, in the amount of \$169,900, and appropriating funds in the amount of \$12,000.

C-10 Adopt Resolution Awarding Contract for Lodi Lake Storm Drain Outfall Improvement Project to Diede Construction, Inc., of Woodbridge (\$63,120), and Appropriating Funds (\$60,000) (PW)

Adopted Resolution No. 2014-228 awarding the contract for the Lodi Lake Storm Drain Outfall Improvement Project to Diede Construction, Inc., of Woodbridge, in the amount of \$63,120, and appropriating funds in the amount of \$60,000.

C-11 Adopt Resolution Awarding Contract for City Hall Boiler Replacement Project to Wagner Mechanical, Inc., of Linden (\$49,373) (PW)

Adopted Resolution No. 2014-229 awarding the contract for the City Hall Boiler Replacement Project to Wagner Mechanical, Inc., of Linden, in the amount of \$49,373.

C-12 Adopt Resolution Accepting Improvements at Pixley Park (C-Basin) and Authorizing City Manager to Execute Land Exchange Documents (PW)

Adopted Resolution No. 2014-230 accepting the improvements at Pixley Park (C-Basin) and authorizing the City Manager to execute land exchange documents.

C-13 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with KPFF Consulting Engineers, of Roseville, for Engineering Design Services for the Municipal Utility Services Transit Bus Wash Project (\$56,134) (PW)

Adopted Resolution No. 2014-231 authorizing the City Manager to execute a Professional Services Agreement with KPFF Consulting Engineers, of Roseville, for engineering design services for the Municipal Utility Services Transit Bus Wash Project, in the amount of \$56,134.

C-14 Adopt Resolution Authorizing City Manager to Execute Addendum to the Memorandum of Understanding with San Joaquin County for Provision of Storm Water Service (Woodbridge) (PW)

Adopted Resolution No. 2014-232 authorizing the City Manager to execute an addendum to the Memorandum of Understanding with San Joaquin County for provision of storm water service in Woodbridge.

C-15 Adopt Resolution Authorizing City Manager to Execute PG&E Rule 20C Agreement for Harney Lane Grade Separation Project and Appropriating Funds (\$129,640) (PW)

Adopted Resolution No. 2014-233 authorizing the City Manager to execute PG&E Rule 20C Agreement for Harney Lane Grade Separation Project and appropriating funds in the amount of \$129,640.

C-16 Adopt Resolution Authorizing City Manager to Execute Amendment to the Western Riverside Council of Governments Joint Powers Agreement and Consenting to the City of Lodi's Inclusion in the California HERO Property Assessed Clean Energy Program (EU)

Adopted Resolution No. 2014-234 authorizing the City Manager to execute an amendment to the Western Riverside Council of Governments Joint Powers Agreement and consenting to the City of Lodi's inclusion in the California HERO Property Assessed Clean Energy Program.

C-17 Adopt Resolution Authorizing the City of Lodi to Join the CaliforniaFIRST Property Assessed Clean Energy Program (EU)

Adopted Resolution No. 2014-235 authorizing the City of Lodi to join the CaliforniaFIRST Property Assessed Clean Energy Program.

C-18 Adopt Resolution Authorizing City Manager to Execute Reimbursement Agreement with NorCal Cajun Foods, Inc., for an Electric Utility Service Project (\$23,004.72) (EU)

Adopted Resolution No. 2014-236 authorizing the City Manager to execute a reimbursement agreement with NorCal Cajun Foods, Inc., for an electric utility service project in the amount of \$23,004.72.

C-19 Adopt Resolution Authorizing City Manager to Execute Reimbursement Agreement with Emanuel Lutheran Church for Electric Utility Service Project (\$33,330.45) (EU)

Adopted Resolution No. 2014-237 authorizing the City Manager to execute a reimbursement agreement with Emanuel Lutheran Church for an electric utility service project in the amount of \$33,330.45.

C-20 Approve Lease with San Joaquin County District Attorney's Office for Office Space Within the Lodi Police Department (225 West Elm Street, Lodi) (CM)

This item was removed from the Consent Calendar by Mayor Johnson for public comment.

Tori Verber Salazar, incoming San Joaquin County District Attorney, expressed support for this item, stating that the lease would provide the necessary space for the District Attorney's office to return to Lodi and provide services to the community. She thanked Council and staff for making this happen.

Council Member Mounce made a motion, second by Mayor Johnson, to approve a lease with San Joaquin County District Attorney's Office for office space within the Lodi Police Department, 225 West Elm Street, Lodi.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-21 Adopt Resolution Approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2013/14 (PW)

Adopted Resolution No. 2014-238 approving the Impact Mitigation Fee Program Annual Report for Fiscal Year 2013/14.

C-22 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.

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.

Mike Carouba responded to comments made by Mr. Slaughterback at the December 3 Council meeting regarding the amount of the City's bad debt write-off, stating he looked into the matter and discovered that Lodi's write off is a low 0.47 percent, which is lower than that of Pacific Gas & Electric. He agreed that it is difficult for any business to collect all debt, but he believed Lodi was doing a fine job. Further, Mr. Carouba announced that Tree Lodi is selling memorial trees for \$100 each for planting at Peterson Park, and he encouraged the public to participate in this endeavor.

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

Council Member Nakanishi paid tribute to Robert Tan, who passed away on December 15. He read into the record a statement made by City Manager Schwabauer: "One of Lodi's giants sadly left us for greener pastures last night. Robert Tan taught thousands of Lodi's youth to sing, but he taught them so much more. He taught them service to community, he taught them service to our most vulnerable seniors in care homes, he taught them they can always reach for more. If you know much of Mr. Tan you know he performed his voice recitals in retirement homes throughout Lodi and Stockton. It was an approach unique to the man in my experience. Lodi is fortunate to be populated by so many people like Robert Tan, but truly, Lodi lost a piece of itself last night."

Council Member Mounce stated years ago the City discovered that, during the permitting and construction process of new businesses coming to town, portions of the process were being

overlooked regarding major fees, particularly for electric, which resulted in significant charges applied to a new business after the completion of the permitting process. She stated this oversight still continues and reiterated the importance of creating a checklist for all permitting departments, including Public Works, Community Development, and Electric Utility, to ensure this no longer occurs. She further suggested a task force be created among department heads to develop a process to eliminate this poor business practice and requested she be included on the task force.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Adopting Resolution Confirming the 2015 Annual Report and Levy of Assessments within 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 confirming the 2015 Annual Report and levy of assessments within the Lodi Tourism Business Improvement District.

City Manager Schwabauer reported that the Lodi Tourism Business Improvement District Annual Report was presented at a previous Council meeting and the purpose of the public hearing was to receive any objections and to answer any questions.

In response to Mayor Pro Tempore Chandler, Nancy Beckman, President/CEO of Visit Lodi!, provided an update on the upcoming Amgen bicycle tour, stating that this event involves many partnerships and will bring a significant amount of tourism to and advertising for Lodi. Data indicates that 2 million people view the race, which could bring as many as 50,000 people to Lodi, and the estimated economic impact on a community during an event such as this is in the \$1 million range. Lodi is designated as a finish on the second day, out of a seven-day race.

In response to Council Member Kuehne, Mr. Schwabauer stated that the City is planning traffic control measures to address the heavy traffic and he believed the suggested bicycle route is safe and no street improvements would be necessary. Mr. Schwabauer added that staff is researching a signage program into town and stated he would be executing a \$19,000 contract this week for a consultant to develop a proposal for presentation to Council.

In response to Council Member Mounce, Mr. Schwabauer stated that Public Works Director Wally Sandelin has developed a proposal to fund a signage program should Council approve it. At the request of Council Member Mounce, Mr. Schwabauer stated he would e-mail the funding plan to Council.

Mayor Johnson opened the public hearing for public comment.

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

Mayor Pro Tempore Chandler made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2014-239 confirming the 2015 Annual Report and levy of assessments within the Lodi Tourism Business Improvement District.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

G-2 Public Hearing to Consider Adopting Resolution Setting Pre-Approved Engineering News Record Adjustment Index for Usage-Based and Flat Water Rates 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 Johnson called for the public hearing to consider adopting a resolution setting pre-approved Engineering News Record adjustment index for usage-based and flat water rates for residential, commercial, and industrial customers.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding the pre-approved Engineering News Record adjustment index for usage-based and flat water rates for residential, commercial, and industrial customers. Specific topics of discussion included water rate setting, recommendation, seven-year summary, recommended water flat rates, residential metered water rates, metered residential rate change, rate comparisons with local communities, and rate comparisons with regional communities.

In response to Council Member Mounce, City Clerk Robison stated that the public hearing was advertised in the Lodi News-Sentinel and posted at the City's standard posting locations. Mr. Schwabauer added that the adjustment was also included in the Proposition 218 public hearing notice last year; however, it did not specifically mention at which meeting the adjustments would be acted upon.

In response to Council Member Nakanishi, Mr. Sandelin stated that the Council action on July 16 was to adjust the wastewater rates; whereas, the action on this agenda was to adjust the water rates.

In response to Council Member Kuehne, Mr. Sandelin explained the tier system on the residential metered water rates, stating the tiers range from 100 to 1,000 cubic feet.

Mayor Johnson opened the public hearing for public comment.

Carolyn Anderson complained of the rate structure based on number of bedrooms, as she is an individual living in a three-bedroom house. Mr. Sandelin explained that the bedroom system is one method of judging water use and that the City opted for that structure many years ago. Mr. Schwabauer added that the City is moving away from that methodology and toward water meters, which would help to resolve her concern. He suggested she give her information to Mr. Sandelin so he can inform her as to when her neighborhood would be moving toward the meters. Ms. Anderson stated that she has a meter on her front lawn and complained that she had no say in where the meter would be placed, unlike her neighbor who had the meter moved to a more preferable location.

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

Council Member Kuehne made a motion, second by Mayor Johnson, to adopt Resolution No. 2014-240 setting pre-approved Engineering News Record adjustment index for usage-based and flat water rates for residential, commercial, and industrial customers.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Mounce

Absent: None

H. Communications - None

I. Regular Calendar - None

J. Ordinances - None

K. Reorganization of the Following Agency Meetings: 1) Lodi Public Improvement Corporation; 2) Industrial Development Authority; 3) Lodi Financing Corporation; and 4) Lodi Public Financing Authority

Council Member Nakanishi made a motion, second by Council Member Kuehne, to adopt the following resolutions: Resolution No. LPIC2014-01 reorganizing the Lodi Public Improvement Corporation; Resolution No. IDA-37 reorganizing the Industrial Development Authority; Resolution No. LFC-24 reorganizing the Lodi Financing Corporation; and Resolution No. LPFA2014-01 reorganizing the Lodi Public Financing Authority.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:58 p.m., in memory of Robert Tan, long-time Lodi musician and vocalist, who passed away on December 15, 2014.

ATTEST:

Jennifer M. Robison
City Clerk