



# LODI CITY COUNCIL

Teleconference Meeting

Streaming Link:

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## AGENDA – Regular Meeting

Date: April 15, 2020

Time: Closed Session 6:45p.m.

Regular Meeting 7:00 p.m.

## SPECIAL TELECONFERENCE NOTICE

### **Pursuant to Executive Order N-29-20:**

The Brown Act, Government Code Section 54953, contains special requirements that apply when members of a legislative body participate in a public meeting by telephone. Certain of these requirements have been suspended by Paragraph 3 of Executive Order N-29-20, executed by the Governor of California on March 17, 2020, to mitigate the spread of Coronavirus (COVID-19). In particular, the Executive Order suspends that provision of the Brown Act that requires noticing, posting of agendas, and public access to each location where a member will be participating telephonically, as well as provisions that require physical presence of members of the legislative body or the public for purposes of a quorum or to hold a meeting. Executive Order N-29-20 allows an agency to conduct a teleconference meeting that provides members of the public telephonic or other electronic participation in place of making a physical location for the public to observe the meeting and provide public comment, consistent with other provisions of the Brown Act.

**The following members of the Lodi City Council are listed to permit them to appear telephonically at the City Council Meeting on April 15, 2020:** Mayor Doug Kuehne, Mayor Pro Tempore Alan Nakanishi, and Council Members Mark Chandler and JoAnne Mounce.

### **Public Comment:**

Members of the public can send written comments to the City Council prior to the meeting by emailing [councilcomments@lodi.gov](mailto:councilcomments@lodi.gov). These emails will be provided to the members of the City Council and will become part of the official record of the meeting.

Members of the public who wish to verbally address the City Council during the meeting should email those comments to [councilcomments@lodi.gov](mailto:councilcomments@lodi.gov). Comments must be received before the Mayor or Chair announces that the time for public comment is closed. The Assistant City Clerk will read three minutes of each email into the public record. **IMPORTANT:** Identify the Agenda Item Number or Oral Communications in the subject line of your email. Example: Public Comment for Agenda Item Number C-17.

Pursuant to the Americans with Disabilities Act (ADA) and Executive Order N-29-20, if you need special assistance to provide public comment in this meeting, please contact the Office of the City Clerk at (209) 333-6702 or [cityclerk@lodi.gov](mailto:cityclerk@lodi.gov) at least 48 hours prior to the meeting in order for the City to make reasonable alternative arrangements for you to communicate your comments. If you need special assistance in this meeting for purposes other than providing public comment, please contact the Office of the City Clerk at (209) 333-6702 or [cityclerk@lodi.gov](mailto:cityclerk@lodi.gov) at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.160 (b) (1)).

### **Viewing:**

Members of the public may view and listen to the open session of the meeting at [www.youtube.com/cityoflodi](http://www.youtube.com/cityoflodi).

For information regarding this Agenda please contact:  
**Pamela M. Farris**  
**Assistant City Clerk**  
**Telephone: (209) 333-6702**

**6:55 p.m. Invocation/Call to Civic Responsibility.** Invocations/Calls may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. These are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the beliefs or views of any speaker.

**C-1 Call to Order / Roll Call**

**C-2 Announcement of Closed Session**

- a) Actual Litigation: Government Code §54956.9(a). One case. *California Sportfishing Protection Alliance, a California non-profit public benefit conservation and research organization v. All Persons Interested in the Matter of the Validity of the Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Agency, et al.*, Stanislaus County Superior Court, Case No. CV-20-001720

**C-3 Adjourn to Closed Session**

**NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.**

**C-4 Return to Open Session / Disclosure of Action**

**A. Call to Order / Roll Call**

**B. Presentations**

- B-1 Sexual Assault Awareness Month (CLK)

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

*All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, refer to the Special Teleconference Notice at the beginning of this agenda.*

- C-1 Receive Register of Claims for February 28, 2020 through March 26, 2020 in the Amount of \$7,360,290,65 (FIN)
- C-2 Approve Minutes (CLK)
  - a) March 4, March 18, and April 1, 2020 (Regular Meetings)
  - b) March 10, March 17, March 24, and March 31, 2020 (Shirtsleeve Sessions)
  - c) March 10, March 17, and March 18, 2020 (Special Meetings)
- Res. C-3 Adopt Resolution Authorizing City Manager to Waive Bid Process and Purchase One Vaughan Horizontal Chopper Pump for White Slough Water Pollution Control Facility from Rockwell Engineering and Equipment Co., of Tustin Ranch (\$25,536) (PW)
- Res. C-4 Adopt Resolution Awarding Contract for Citywide Bicycle Facilities Detection Improvement Project to St. Francis Electric, LLC, of San Leandro (\$740,795), Authorizing City Manager to Execute Change Orders (\$60,000), and Appropriating Funds (\$212,400) (PW)
- Res. C-5 Adopt Resolution Approving Purchase of Cortex XDR and Panorama Centralized Management by Palo Alto Networks from CDW-G of Vernon Hills, Illinois (\$102,260.48) (IT)

- Res. C-6 Adopt Resolution Approving Purchase of Hewlett-Packard Aruba ClearPass C2000 from CDW-G of Vernon Hills, Illinois (\$21,863.16) (IT)
- Res. C-7 Adopt Resolution Awarding Contract for Well 27 Granular Activated Carbon Filter System to Diede Construction, Inc., of Woodbridge (\$1,063,900), Authorizing City Manager to Execute Change Orders (\$54,000), and Appropriating Funds (\$322,900) (PW)
- Res. C-8 Adopt Resolution Approving 2020/2021 Pavement Resurface Project for Road Repair and Accountability Act of 2017 Funding (\$1,330,000) (PW)
- Res. C-9 Adopt Resolution Authorizing City Manager to Execute Agreements Related to the CalTrans Bridge Raising Project along Highway 99, at Lockeford Street and Victor Road (PW)
- Res. C-10 Adopt Resolution Authorizing Dedication of Street Right-of-Way along Kettleman Lane, at 2800 West Kettleman Lane, to Caltrans, for Street Improvement Purposes (PW)
- Res. C-11 Adopt Resolution Amending Traffic Resolution No. 97-148, by Approving 40 Miles-Per-Hour Speed Limit on Harney Lane, from Ham Lane to Hutchins Street, Hutchins Street to Stockton Street, Stockton Street to the East City Limits; and Pine Street, from Guild Avenue to the East City Limits (PW)
- Res. C-12 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Carollo Engineers, Inc., of Walnut Creek, for Progressive Design Build Construction Documents for White Slough Water Pollution Control Facility Solids Handling Equipment Procurement and Installation Project (\$162,500), and Appropriating Funds (\$162,500) (PW)
- Res. C-13 Adopt Resolution Accepting Vineyard Terrace Subdivision, Unit No. 1, Tract No. 3986, Public Improvements; Amending Traffic Resolution No. 97-148 by Approving Multi-Way Stop Control at Henri Lane and Berlanda Lane, Two-Way Stop Control on Botticelli Way at Henri Lane, Two-Way Stop Control on Pollock Way at Henri Lane, and Two-Way Stop Control on Raphael Way at Berlanda Lane (PW)
- Res. C-14 Adopt Resolution Authorizing City Manager to Execute Funding Documents with California Department of Transportation for Allocation of Fiscal Year 2019/20 Low Carbon Transit Operations Program Funds (PW)
- Res. C-15 Adopt Resolution Approving Renewal and Amendment to Plan Documents for Standard Insurance Company Effective April 1, 2020 to July 1, 2023 and Further Authorizing the City Manager to Execute Agreement (HR)
- Res. C-16 Adopt Resolution Authorizing Destruction of Certain Citywide Records in Accordance with the Government Code and the City's Records Management Policy (CLK)
- Res. C-17 Consider Adopting a Resolution Adopting a Mitigated Negative Declaration and Associated Mitigation Monitoring and Reporting Program for the City of Lodi Police Training Facility (CD)
- Res. C-18 Adopt Resolution Ratifying City Manager's Decision to Grant a Two-Week COVID-19 Specific Leave Bank to All City of Lodi Employees (CM)
- C-19 Accept Monthly Protocol Account Report through March 31, 2020 (CLK)
- C-20 Receive Report Regarding Communication Pertaining to Retaining April 10 Property Tax Deadline (CLK)
- C-21 Post for Expiring Term on Planning Commission (CLK)
- Res. C-22 Ratification of Employment Agreement Entered into Between City Manager Stephen Schwabauer and Police Chief Sierra Brucia (CM)

**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.

*If you wish to address the Council, please refer to the Special Teleconference Notice at the beginning of this agenda. Individuals are limited to one appearance during this section of the Agenda.*

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

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

**G. Public Hearings –**

Res. G-1 Public Hearing to Consider Adopting Resolution Approving Draft 2020-21 Annual Action Plan for the Community Development Block Grant (CDBG) Program (CD)

**H. Regular Calendar**

Res. H-1 Resolution Reaffirming Ratification of City Manager's Proclamation Finding the Existence of a Local Emergency and Rendering Certain Emergency Orders, Including an Increase Related to the Local Emergency in the City Manager's Contracting Authority for Services and Goods to a Maximum Amount of \$250,000 for the Duration of the Local Emergency (CA)

Res. H-2 Adopt Resolution of Intention Approving an Amendment to the Contract Between the Board of  
Ord. (Introduce) Administration of the California Public Employees' Retirement System (PERS) and the City of Lodi and Introduce Ordinance Amending the Contract Between PERS and the City of Lodi With Regard to Providing Government Code Section 20516 (Employees Sharing Additional Cost) of One Percent for Local Miscellaneous Members in the International Brotherhood of Electrical Workers Group (HR)

H-3 Appointment of Replacements for City Council Member Service on Various Boards, Committees, and Commissions (CLK)

**I. Ordinances – None**

**J. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Pamela M. Farris  
Assistant City Clerk

*All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 72 hours prior to the meeting date. Language interpreter requests must be received at least 72 hours in advance of the meeting to help ensure availability. Contact Pamela M. Farris at (209) 333-6702. Solicitudes de interpretación de idiomas deben ser recibidas por lo menos con 72 horas de anticipación a la reunión para ayudar a asegurar la disponibilidad. Llame a Pamela M. Farris (209) 333-6702.*

*Meetings of the Lodi City Council are telecast on SJTV, Channel 26. The City of Lodi provides live and archived webcasts of regular City Council meetings. The webcasts can be found on the City's website at [www.lodi.gov](http://www.lodi.gov) by clicking the meeting webcasts link.*

*Members of the public may view and listen to the open session of this teleconference meeting at [www.youtube.com/cityoflodi](http://www.youtube.com/cityoflodi).*



**CITY OF LODI  
COUNCIL COMMUNICATION**

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**AGENDA TITLE:** Sexual Assault Awareness Month

**MEETING DATE:** April 15, 2020

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** A proclamation proclaiming the month of April 2020 as “Sexual Assault Awareness Month” in the City of Lodi was provided to the Women’s Center – Youth & Family Services.

**BACKGROUND INFORMATION:** The Mayor was requested to provide a proclamation proclaiming the month of April 2020 as “Sexual Assault Awareness Month” in the City of Lodi. Due to the COLVID-19 situation, a representative of the Women’s Center – Youth & Family Services will not be at the meeting, but the proclamation was provided. A staff report has been provided to bring attention to Sexual Assault Awareness Month at this time, and a representative will attend a future Council meeting to provide an update on the services of the Women’s Center – Youth & Family Services.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

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Pamela M. Farris  
Assistant City Clerk

PMF

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**APPROVED:** \_\_\_\_\_  
Stephen Schwabauer, City Manager



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Receive Register of Claims for February 28, 2020 through March 26, 2020 in the Total Amount of \$7,360,290.65

**MEETING DATE:** April 15, 2020

**PREPARED BY:** Internal Services Director

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**RECOMMENDED ACTION:** Receive the attached Register of Claims for \$7,360,290.65

**BACKGROUND INFORMATION:** Attached is the Register of Claims in the amount of \$7,360,290.65 for February 28, 2020 through March 26, 2020. Also attached is Payroll in the amount of \$1,603,117.22 through March 8, 2020 and \$1,510,892.40 through March 22, 2020. This report covers one month of claims and two pay periods.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** As per attached report.

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Andrew Keys  
Internal Services Director

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APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

Council Report  
City of Lodi - v11.3.20 Live  
2/28/2020 through 3/26/2020

<b>Fund</b>	<b>Fund Title</b>	<b>Amount</b>
100	General Fund	\$2,463,305.20
103	Measure L	\$16,743.54
120	Library Fund	\$13,304.13
140	Expendable Trust	\$294,101.65
200	Parks Rec & Cultural Services	\$77,965.97
205	State Grants	\$13,911.98
213	LPD-Public Safety Prog AB 1913	\$425,406.05
270	Comm Dev Special Rev Fund	\$45,015.75
301	Gas Tax-2105 2106 2107	\$55,450.79
305	TDA - Streets	\$421.78
306	RTIF County/COG	\$232,889.24
350	H U D	\$294.00
401	Equipment Replacement Fund	\$772,751.65
404	Vehicle Replacement Fund - FD	\$7,605.17
431	Capital Outlay/General Fund	\$44,988.00
434	Arts in Public Places-IMF	\$150.00
437	IMF Parks & Rec Facilities	\$5,239.49
500	Electric Utility Fund	\$421,507.14
501	Utility Outlay Reserve Fund	\$689,255.32
504	Public Benefits Fund	\$72,268.15
530	Waste Water Utility Fund	\$167,656.67
531	Waste Wtr Util-Capital Outlay	\$250.00
560	Water Utility Fund	\$440,129.77
561	Water Utility-Capital Outlay	\$99,138.44
590	Central Plume	\$25,249.06
591	Southern Plume	\$2,068.28
593	Northern Plume	\$1,304.45
594	South Central Western Plume	\$1,329.87
600	Dial-a-Ride/Transportation	\$204,379.07
601	Transit Capital	\$3,629.52
602	Transit-Prop. 1B -PTMISEA	\$73.56
650	Internal Service/Equip Maint	\$87,675.43
655	Employee Benefits	\$647,745.34
660	General Liabilities	\$1,369.38
665	Worker's Comp Insurance	\$23,180.00
801	L&L Dist Z1-Almond Estates	\$2,536.81
<b>Total</b>		<b>\$7,360,290.65</b>

Council Report: Payroll  
City of Lodi - v11.3.20 Live  
Pay Period 3/8/2020

<b>Fund</b>	<b>Description</b>	<b>Amount</b>
100	General Fund	\$805,431.33
103	Measure L	\$125,363.31
120	Library Fund	\$23,159.50
200	Parks Rec & Cultural Services	\$124,935.65
214	LPD-OTS Grants	\$640.92
219	LPD-ABC Grant	\$3,785.34
270	Comm Dev Special Rev Fund	\$28,196.04
301	Gas Tax-2105 2106 2107	\$34,872.91
500	Electric Utility Fund	\$200,610.21
501	Utility Outlay Reserve Fund	\$47,457.55
504	Public Benefits Fund	\$1,156.36
530	Waste Water Utility Fund	\$143,610.26
560	Water Utility Fund	\$22,420.98
600	Dial-a-Ride/Transportation	\$10,289.46
650	Internal Service/Equip Maint	\$20,710.74
655	Employee Benefits	\$10,476.66
<b>Report Total</b>		<b>\$1,603,117.22</b>

Council Report: Payroll  
City of Lodi - v11.3.20 Live  
Pay Period 3/22/2020

<b>Fund</b>	<b>Description</b>	<b>Amount</b>
100	General Fund	794,906.62
103	Measure L	110,566.83
120	Library Fund	22,714.04
200	Parks Rec & Cultural Services	98,051.94
214	LPD-OTS Grants	1,912.98
219	LPD-ABC Grant	913.26
270	Comm Dev Special Rev Fund	28,196.04
301	Gas Tax-2105 2106 2107	35,117.65
500	Electric Utility Fund	202,687.28
501	Utility Outlay Reserve Fund	25,143.07
530	Waste Water Utility Fund	136,714.28
560	Water Utility Fund	21,407.41
561	Water Utility-Capital Outlay	980.30
600	Dial-a-Ride/Transportation	10,253.20
650	Internal Service/Equip Maint	21,327.50
<b>Report Total</b>		<b>1,510,892.40</b>



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Approve Minutes  
a) March 4, 2020 (Regular Meeting)  
b) March 10, 2020 (Shirtsleeve Session)  
c) March 10, 2020 (Special Meeting)  
d) March 17, 2020 (Shirtsleeve Session)  
e) March 17, 2020 (Special Meeting)  
f) March 18, 2020 (Regular Meeting)  
g) March 18, 2020 (Special Meeting)  
h) March 24, 2020 (Shirtsleeve Session)  
i) March 31, 2020 (Shirtsleeve Session)  
j) April 1, 2020 (Regular Meeting)

**MEETING DATE:** April 15, 2020

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Approve the following minutes as prepared:  
a) March 4, 2020 (Regular Meeting)  
b) March 10, 2020 (Shirtsleeve Session)  
c) March 10, 2020 (Special Meeting)  
d) March 17, 2020 (Shirtsleeve Session)  
e) March 17, 2020 (Special Meeting)  
f) March 18, 2020 (Regular Meeting)  
g) March 18, 2020 (Special Meeting)  
h) March 24, 2020 (Shirtsleeve Session)  
i) March 31, 2020 (Shirtsleeve Session)  
j) April 1, 2020 (Regular Meeting)

**BACKGROUND INFORMATION:** Attached are copies of the subject minutes marked Exhibit A through J, respectively.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

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Pamela M. Farris  
Assistant City Clerk

Attachments

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**APPROVED:** \_\_\_\_\_  
Stephen Schwabauer, City Manager

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MARCH 4, 2020**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of March 4, 2020, was called to order by Mayor Kuehne at 6:33 p.m.

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

Absent: None

Also Present: City Manager Schwabauer, City Attorney Magdich, and Assistant City Clerk Farris

C-2 Announcement of Closed Session

- a) Conference with Adele Post, Human Resources Manager, and Andrew Keys, Deputy City Manager (Labor Negotiators), Regarding AFSCME General Services and Maintenance & Operators, Lodi Professional Firefighters, Council Appointees, and Confidential Employees Pursuant to Government Code §54957.6 (CM)

C-3 Adjourn to Closed Session

At 6:33, Mayor Kuehne adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:45 p.m.

C-4 Return to Open Session / Disclosure of Action

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

Item C-2a was discussion and direction, with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of March 4, 2020, was called to order by Mayor Kuehne at 7:00 p.m.

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

Absent: None

Also Present: City Manager Schwabauer, City Attorney Magdich, and Assistant City Clerk Farris

B. Presentations

B-1 Bob Johnson – A Life of Service

A PowerPoint presentation was played in memory of Council Member Bob Johnson's life of service while City Manager Schwabauer provided a tribute which included his service in the United States Marine Corp; coaching youth sports; and serving on the Booster of Boys and Girls Sports board, Parks and Recreation Commission, Risk Oversight Committee, and 16 years on Lodi City Council, serving both as Vice Mayor and Mayor.

Council Member Chandler recognized Council Member Johnson's years of service and stated he was honored to have served with him.

Mayor Pro Tempore Nakanishi praised Council Member Johnson's service on the Council and stated he will be missed.

Mayor Kuehne recognized Council Member Johnson's service.

City Manager Schwabauer stated that Council Member Johnson's final act of service was the donation of the balance of his political campaign account in the amount of \$12,000 to the Parks and Recreation Department.

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

Council Member Mounce made a motion, second by Mayor Pro Tempore Nakanishi, 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 Mounce, Mayor Pro Tempore Nakanishi, and Mayor Kuehne

Noes: None

Absent: None

C-1 Receive Register of Claims for January 31, 2020 through February 13, 2020 in the Amount of \$3,213,590.97 (FIN)

Claims were approved in the amount of \$3,213,590.97.

C-2 Approve Minutes (CLK)

The minutes of February 5, 2020 (Regular Meeting), February 11, 2020 (Shirtsleeve Session), and February 18, 2020 (Shirtsleeve Session) were approved as written.

C-3 Adopt Resolution Awarding Bids for Purchase of 36 Wood Poles from Stella Jones, of Tacoma, Washington (\$27,695.21) (EU)

Adopted Resolution No. 2020-34 awarding bids for purchase of 36 wood poles from Stella Jones, of Tacoma, Washington, in the amount of \$27,695.21.

C-4 Adopt Resolution Awarding Contract for Municipal Services Center Security Fence Improvement Project to Martin General Engineering, Inc., of Rancho Cordova (\$154,900), Authorizing the City Manager to Execute Change Orders (\$15,100), and Appropriating Funds (\$130,225) (PW)

Adopted Resolution No. 2020-35 awarding contract for Municipal Services Center Security Fence Improvement Project to Martin General Engineering, Inc., of Rancho Cordova, in the amount of \$154,900; authorizing the City Manager to execute change orders, in an amount not to exceed \$15,100; and appropriating funds in the amount of \$130,225.

C-5 Adopt Resolution Authorizing City Manager to Execute Change Order No. 2 with West

Coast Arborists, Inc., of Stockton for Two-Year Contract Extension for Power Line Clearing and Vegetation Management (\$2,500,000) (EU)

Adopted Resolution No. 2020-36 authorizing the City Manager to execute Change Order No. 2 with West Coast Arborists, Inc., of Stockton, for two-year contract extension for power line clearing and vegetation management, in the amount of \$2,500,000.

C-6 Adopt Resolution Authorizing City Manager to Execute Shared Services Agreement with Northern California Power Agency for After Hour Answering Services for Electric Utility and Public Works Department for a Period of Two Years (\$154,480) (EU)

Adopted Resolution No. 2020-37 authorizing the City Manager to execute Shared Services Agreement with Northern California Power Agency for after hour answering services for Electric Utility and Public Works Department for a period of two years, in the amount of \$154,480.

C-7 Adopt Resolution Approving Purchase of Three-Year License for Cisco Cloud Email Security Platform and Data Protection Services from CDW-G, of Vernon Hills, Illinois (\$23,256) (IT)

Adopted Resolution No. 2020-38 approving the purchase of three-year license for Cisco Cloud email security platform and data protection services from CDW-G, of Vernon Hills, Illinois, in the amount of \$23,256.

C-8 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Quest Media and Supplies Inc., of Roseville, for the Installation of Wireless Access Points and Data Cabling in Hutchins Street Square and Appropriate Funds (\$27,326.27) (IT)

Adopted Resolution No. 2020-39 authorizing the City Manager to execute a Professional Services Agreement with Quest Media and Supplies, Inc., of Roseville, for the installation of wireless access points and data cabling in Hutchins Street Square and appropriating funds in the amount of \$27,326.27.

C-9 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement and Non-Disclosure Agreement with Magellan Advisors, LLC, of Denver, Colorado, for Broadband Feasibility Study Services and Appropriate Funds (\$84,800) (EU)

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

At the request of Council Member Chandler, Electric Utility Director Jeff Berkheimer provided background information on the broadband feasibility study. He stated utilities are looking at the infrastructure that is currently in place, specifically fiber, for evaluation of other uses or as revenue streams. The process involves bringing in a consultant to find out what State and federal grant funding might be available to help expand the broadband network to customers and throughout the City, evaluate public/private partnerships or dark fiber leasing, perform market analysis on likely customer uptake, and provide possible options. Hundreds of electric utilities in the nation have been going through this process.

In response to Mayor Pro Tempore Nakanishi, Mr. Berkheimer clarified that the City already has a robust fiber backbone throughout the City, and it is fast and inexpensive to install fiber on the overhead infrastructure. The consultant would be evaluating the business case potential against incumbents that currently offer these services or opening up the infrastructure for lease by

telecommunication companies. There are State and federal grants available to build out broadband infrastructure in underserved communities; in addition, this would provide an attractive investment opportunity within the Opportunity Zone for companies to come in and build out the network.

In response to Council Member Chandler, Information Technology Manager Benjamin Buecher stated the City's dark fiber is at about 25% capacity.

Council Member Chandler stated that this is already a City-owned asset and there is an opportunity to generate revenue and lower costs.

Council Member Chandler made a motion, second by Mayor Pro Tempore Nakanishi, to adopt Resolution No. 2020-41 authorizing the City Manager to execute a Professional Services Agreement and Non-Disclosure Agreement with Magellan Advisors, LLC, of Denver, Colorado, for broadband feasibility study services and appropriating funds in the amount of \$84,800.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-10 Adopt Resolution Approving Revised Pretreatment Program Enforcement Plan and Local Limits for Industrial Dischargers Using City Wastewater System (PW)

Adopted Resolution No. 2020-40 approving revised Pretreatment Program Enforcement Plan and Local Limits for Industrial Dischargers using City Wastewater System.

C-11 Receive Report Regarding First and Second Quarters Fiscal Year 2019/20 Water, Wastewater and Electric Utility Financial Reports (CM)

Received report regarding first and second quarters Fiscal Year 2019/20 Water, Wastewater and Electric Utility Financial Reports.

C-12 Appointment of Sandra Vargas to the Lodi Improvement Committee (CLK)

Made the following appointment:

Lodi Improvement Committee

Sandra Vargas Term to expire March 1, 2022

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.

Mushtaq Tahirkheli, member of the public, stated he was defeated in the recent election for State office, but he will continue to work on his agenda, particularly a Delta campus located in Lodi, and he requested assistance from the Council. Further, he stated Council Member Johnson is gone

but remains in our hearts.

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

Mayor Pro Tempore Nakanishi gave a brief update on what the Federal government is doing regarding the coronavirus and encouraged the public to listen to the Center for Disease Control's advice.

Council Member Mounce reported that the League of California Cities met with the Governor at their last board meeting, and he promised to work closely with cities on the homelessness issue.

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

None.

H-2 Adopt Resolutions and Authorize Documents and Actions Regarding the Refunding of a Series of Water Revenue Bonds that was Originally Issued in 2010 (CM)

NOTE: This item was heard out of order at staff's request to be able to accommodate the consultant's travel schedule.

NOTE: Joint action of the Lodi City Council and Lodi Public Financing Authority.

City Manager Schwabauer provided an introduction to the item. He explained these are water revenue bonds issued in 2010 that were used for the construction of the Water Treatment Plant. He reminded Council that the reissuance of the bonds will not extend the term to generate current cash flow; the reissuance is solely for the purpose of capturing interest rate savings to reduce the debt service for rate payers.

Deputy City Manager Andrew Keys provided a presentation regarding the refunding of water revenue bonds originally issued in 2010. Specific topics of discussion included the City's bond ratings confirmed at AA-, reflecting strong credit from the Water Utility; refinancing of approximately \$29.6 million in bonds; wrapping in of reserve fund of old bonds; small portion of Series B bonds to be left outstanding as they are due to mature next year; same term of 2040 as previous bonds; \$400,000 to \$500,000 in annual savings; 15% to 20% savings, over \$6 million with present value; if approved, pricing of bonds would occur on March 19 with closing in early April; and minor edits to the preliminary official statement are shown on Blue Sheet.

In response to Council Member Chandler's question regarding refinancing other bonds at this time due to favorable interest rates, Mr. Keys stated the next bonds would be eligible in 2022; to refinance now would move them from non-taxable to taxable, which would raise the interest rate. However, staff is constantly re-evaluating the situation.

(a) Adopt Resolution of the City Council Authorizing Documents and Official Actions Relating to the Refinancing of an Outstanding Installment Payment Obligation for Water System Improvements and the Issuance by the Lodi Public Financing Authority of Refunding Water Revenue Bonds; and

Council Member Chandler made a motion, second by Mayor Pro Tempore Nakanishi, to adopt Resolution No. 2020-42 of the City Council authorizing documents and official actions relating to the refinancing of an outstanding installment payment obligation for water system improvements and the issuance by the Lodi Public Financing Authority of refunding water revenue bonds.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

(b) Adopt Resolution of the Board of Directors of the Lodi Public Financing Authority Authorizing the Issuance and Sale of Refunding Water Revenue Bonds to Refinance the Construction of Water System Improvements, and Approving Related Documents and Official Actions

NOTE: Joint action of the Lodi City Council and Lodi Public Financing Authority

Council Member Mounce made a motion, second by Council Member Chandler, to adopt Resolution No. LPFA2020-01 of the Board of Directors of the Lodi Public Financing Authority authorizing the issuance and sale of refunding water revenue bonds to refinance the construction of water system improvements, and approving related documents and official actions.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

G. Public Hearings

G-1 Public Hearing to Consider Resolution Adopting Pre-Approved, Proposition 218 Consumer Price Index-Based Annual Adjustment to Rates for Solid Waste Collection (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 Kuehne called for the public hearing to consider resolution adopting pre-approved Proposition 218 Consumer Price Index-based annual adjustment to rates for solid waste collection.

Management Analyst Rebecca Areida provided a PowerPoint presentation regarding solid waste rates. Specific topics of discussion included contract, Consumer Price Index rate adjustment factor, County gate fees, example rate changes, six-year summary, and recommended action.

In response to Mayor Kuehne, Public Works Director Charlie Swimley stated that he is not sure how the City of Galt handles their rate increases, but they recently went through a Proposition 218 process which resulted in substantial rate increases for solid waste.

Council Member Mounce expressed disappointment in the lack of timeliness in which commercial customers are receiving notification of violations; she noted a well-known restaurant has been very vocal about the problem, and she is concerned about the other restaurants which do not complain and about the small restaurants on the Eastside which are just trying to keep in business.

In response to Council Member Chandler, Deputy City Manager Keys stated that Waste Management has assured the City that violation notifications have been going out within 48 hours since September; for this particular case, it looks like the violation notices are going out via email to the same address used for the correspondence sent by the owner to the City; and no other

complaints have been received so City staff believe the notification system is working.

In response to Council Member Mounce, City Manager Schwabauer stated that Waste Management provided a significant education campaign for commercial users and appropriate use of waste containers is fairly easy to understand; the City experienced some problems during implementation, partially due to the cyber security incident; the delays caused three to four months of violation charges to appear on one bill.

Alex Oseguera, Waste Management Area Vice President and General Manager, explained the education process which took place over two years, including articles in the newspapers, as well as letters and postcards explaining the State mandates which were coming. He stated China no longer accepts contaminated recyclables; information is distributed to commercial customers via emails, texts, or phone calls at the customers' choice; Waste Management (WM) representative go to visit commercial customers; WM verified that notifications had gone out to all commercial establishments, not just the one who is currently complaining; and things have not been perfect but they are working with the customers and the City as all of the regulations are implemented.

In response to Mayor Pro Tempore Nakanishi, Mr. Oseguera stated that customers are now calling to resize their containers and are changing their behavior to eliminate the contamination, so there has been a decrease in the charges for violations; the goal is to have no overages or contamination. He further added that, unlike Galt which recently had significant rate increases and Sacramento County which will have a 50% rate increase, Waste Management strives to keep within the 80% CPI so that customers have more manageable increases.

In response to Mayor Kuehne, Mr. Oseguera stated that it will probably take about a year before things settle down, but there has been a significant drop in the number of violations, although they hope for a further decline.

Mayor Kuehne opened the public hearing for public comment.

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

Mayor Pro Tempore Nakanishi made a motion, second by Council Member Chandler, to adopt Resolution No. 2020-43 adopting pre-approved Proposition 218 Consumer Price Index-based annual adjustment to rates for solid waste collection.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H. Regular Calendar

H-1 Adopt Resolution Approving Fiscal Year 2019/20 Mid-Year Budget Adjustments (CM)

Deputy City Manager Keys provided an introduction, stating revenues are trending above projections and expenses are trending below projections; and some adjustments are being made which increase expenses, largely based on some of the contracts Council has approved with the labor unions.

Budget Manager Susan Bjork provided a PowerPoint presentation regarding Fiscal Year 2019/20

mid-year budget adjustments. Specific topics of discussion included General Fund overview, revenues, expenses, and requested adjustments; Electric Utility, Capital Improvement enhancements, and requested adjustments; Water utility; Wastewater utility; requested Wastewater utility adjustments; personnel requests; and requested action.

Council Member Mounce expressed disappointment with not having an additional Code Enforcement Officer included, as discussed by Council at an earlier meeting. City Manager Schwabauer responded that staff was not prepared to add the position in the mid-year budget but it would be included in the annual budget. Deputy City Manager Keys further responded that adding brand new positions is done as part of the annual budget process; the changes to positions shown in the mid-year budget tonight are upgrades and changes, not new positions.

In response to Mayor Pro Tempore Nakanishi, Deputy City Manager Keys stated all the additional revenue available in the General Fund is not being appropriated; there is approximately \$2 million available and staff is recommending the appropriation of approximately \$300,000; staff had originally expected a slight deficit but it is \$1.7 million positive, if all revenue assumptions prove correct; and the Measure L increase was projected at \$5.2 million but is actually \$6.2 million.

Council Member Mounce made a motion, second by Council Member Chandler, to adopt Resolution No. 2020-44 approving Fiscal Year 2019/20 mid-year budget adjustments.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H-3 Provide Direction to City Manager to Request that the San Joaquin County Board of Supervisors Do Not Opt in to AB 626, and Thus Allow Micro Enterprise Home Kitchen Operations (CM)

City Manager Schwabauer provided a presentation regarding AB 626 and Micro Enterprise Home Kitchen Operations. Specific topics of discussion included County Board of Supervisors' consideration of whether to opt in or opt out of AB 626 which would create a framework for micro enterprise home kitchen operations (MEKO); current MEKO framework provides for baking and cooking of goods to sell at other locations or for catering of events at other locations; the framework under AB 626 would allow restaurants run out of homes, seven days per week, up to 30 meals per night, up to 60 meals per week; and staff concerns related to parking, traffic, lack of grease traps, and complaints from neighbors.

Mayor Pro Tempore Nakanishi voiced support for staff's recommendation for the City to send a letter to the County in opposition to opting into AB 626.

Council Member Mounce stated she opposes opting into AB 626 due to the parking issue and also due to the problem of grease in lines.

Council Member Chandler voiced opposition to the County opting into AB 626 due to the problems with parking, grease, congestion, the lack of control on sanitation for food preparation, and drunk driving.

Mayor Pro Tempore Nakanishi made a motion, second by Council Member Chandler, to authorize the City Manager to request that the San Joaquin County Board of Supervisors do not

opt in to AB 626, and thus allow micro enterprise home kitchen operations.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H-4 Adopt Resolution Approving the Memorandum of Understanding Between the City of Lodi and Lodi Professional Firefighters for the Period January 1, 2020 through December 31, 2022 (CM)

Deputy City Manager Keys provided a presentation regarding the Memorandum of Understanding with the Lodi Professional Firefighters. Specific topics of discussion included three-year term from January 2020 through December 2022, longevity pay, continuation of driver/operator incentive, two-tier capping of vacation accrual rate, 17% salary adjustment, 3% CalPERS cost sharing, cost of \$1.9 million over three years, and costs already incorporated into mid-year budget.

Council Member Mounce made a motion, second by Council Member Chandler, to adopt Resolution No. 2020-45 approving the Memorandum of Understanding between the City of Lodi and Lodi Professional Firefighters for the period January 1, 2020 through December 31, 2022.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H-5 Adopt Resolutions Approving the Memorandums of Understanding Between the City of Lodi and AFSCME (General Services and Maintenance & Operators Units) for the Period January 1, 2020 through December 31, 2022 (CM)

Deputy City Manager Keys provided a presentation regarding the Memorandums of Understanding between the City of Lodi and AFSCME General Services and Maintenance & Operators units. Specific topics of discussion included contract including the General Services and Maintenance & Operators units; three-year term of contract; benefits for General Services, including incentives for certifications for Public Inspectors and increase in amount for reimbursement for safety glasses; benefits for M&O, including additional \$10,000 AD&D life insurance, increases to standby compensation, off-duty text messaging or email compensation, and incorporation of a previous side letter agreement regarding biohazard incentive; 5% salary adjustments over the next three years; provision for protection against health insurance premiums for employees earning \$47,000 or less per year; CalPERS cost share of 1% effective in July 2020, January 2021, and January 2022; General Services cost of just over \$1.2 million Citywide with \$635,000 in the General Fund; \$1,459,000 for M&O with no funds coming from the General Fund; and costs included in mid-year budget adjustments.

Council Member Mounce made a motion, second by Council Member Chandler, to adopt Resolutions No. 2020-46 and No. 2020-47 approving the Memorandums of Understanding between the City of Lodi and AFSCME (General Services unit and Maintenance & Operator unit, respectively) for the period January 1, 2020 through December 31, 2022.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I. Ordinances – None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:32 p.m. in memory of Council Member Bob Johnson, who passed away on February 26, 2020, and Diane Craig, wife of Lodi Memorial Hospital Foundation President Wayne Craig, who passed away on February 25, 2020.

ATTEST:

Pamela M. Farris  
Assistant City Clerk

**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, MARCH 10, 2020**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, March 10, 2020, commencing at 7:02 a.m.

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

Absent: None

Also Present: City Manager Schwabauer, City Attorney Magdich, and Assistant City Clerk Farris

B. Topic(s)

B-1 Receive Information on Revenue Opportunities Available through Renewable Natural Gas Low Carbon Fuel Standard Program (PW)

Transportation Manager Georgia Graham provided a brief introduction of the renewable natural gas proposal, which would be a revenue generating program for the City.

Sahara Kamali, Director of Business Development with Clean Energy Renewables, provided a PowerPoint presentation regarding the renewable natural gas proposal. Specific topics of discussion included clean energy at a glance, definition of renewable natural gas (RNG), renewable natural gas roadmap, regulatory programs, low carbon fuel standard, RNG proposal, and CNG with better economics.

In response to Council Member Chandler, Ms. Kamali explained that the RNG is brought up to specifications and then comingled with the other fuel within the pipeline.

In response to City Manager Schwabauer, Ms. Kamali stated the cost of what the City is currently paying for natural gas would not change; the \$24,000 is an additional value.

In response to Mayor Kuehne, Ms. Kamali stated other cities using their company include Culver City, Santa Monica, Beverly Hills, Ontario, and Norwalk, as well as transit agencies in Los Angeles, Santa Monica, and Culver City.

In response to Council Member Mounce, City Manager Schwabauer stated that the project proposed in the past by Schneider Electric was very different from this program; that project involved a less refined product running through an onsite motor at White Slough Water Pollution Control Facility. The Public Works Director at that time was concerned the technology was not right yet and with the dirtier fuel being utilized, the motors would require a lot of maintenance, and so the project did not move forward.

In response to Council Member Chandler's question regarding local sources, Ms. Kamali stated that three or four California dairies will be used starting in 2021, but the majority of suppliers are outside of California.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 7:31 a.m.

ATTEST:

Pamela M. Farris  
Assistant City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, MARCH 10, 2020**

A. Call to Order / Roll Call

The Special City Council meeting of March 10, 2020, was called to order by Mayor Kuehne at 7:31 a.m.

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

Absent: None

Also Present: City Manager Schwabauer, City Attorney Magdich, and Assistant City Clerk Farris

B. Consent Calendar

B-1 Provide Direction to Staff Regarding Vacant Seat on the City Council (CM)

City Manager Schwabauer provided a presentation regarding options for the current vacant seat on the City Council. Specific topics of discussion included three seats currently elected by district with remaining two seats currently elected at large and to be elected by district in November; the vacant seat was elected at large and would be filled at large; not enough time before November election to call a special election; three options for vacant seat: fill by appointment, call a special election, or do nothing; a special election would be confusing to the citizens as an at-large seat would be elected but never seated as the seat will be by district following the election; filling the seat by appointment has the negative image of affecting the election; doing nothing is not covered by legislation; and staff does not recommend a special election.

Council Member Chandler inquired as to the ramifications of the doing-nothing option, to which City Attorney Magdich replied that legislation mandates filling the vacancy by appointment or special election. She cautioned that if the City Council does nothing to fill the vacancy, a registered voter could file a writ of mandate asking for the court to order the City to fill the vacancy, and there would be costs associated with defending the matter in court, plus potentially liability for the filer's costs.

Council Member Mounce stated that situation would only occur if someone filed and the judge in the case agreed. She further stated that she feels it is not fair to appoint someone, as the public has no voice in the decision, it is not open and honest, often friends and associates are appointed, and she does not want to give the appearance of cronyism. She stated that if the City is sued, then she would prefer to appoint a previous Council Member, as they would already be experienced and not have a huge learning curve to overcome during a short appointment period.

City Attorney Magdich provided a recap of the procedure followed to appoint a replacement to the seat vacated due to Judge Warner's appointment to the bench in February 1998: applications were received from interested citizens for a period of one week; Council ranked applications; the City Clerk called a Special Meeting to interview the top three applicants; a week later, Council filled the vacancy; and the appointee held the seat until the election was held in November 1998.

Mayor Kuehne stated that he felt a special election was a waste of taxpayer money and that he did not support doing nothing because of the potential of a law suit. He felt appointing a replacement would be best, with a two-week application period. He further stated that appointing a former Council Member would be good, but he did not feel that it would be fair to limit the

application process solely to former Council Members.

Mayor Pro Tempore Nakanishi stated that he supports doing nothing; making an appointment to fill the vacancy gives the appearance of Council Members running things; citizens should elect Council Members; appointees have no accountability to the electorate; and if someone sues the City, then we should hold an election.

Myrna Wetzel, member of the public, suggested writing down all of the options, putting them in a box, and randomly choosing one of the options.

Mike Lusk, member of the public, stated that when the City went to by-district elections, Districts 4 and 5 were exempted due to respect for the incumbents; however, now that there is a vacancy, it should be filled from District 5, rather than at large.

City Attorney Magdich clarified that because Bob Johnson was elected at large, then it is an at large position; there is no legal requirement to choose someone from District 5; if the vacancy had occurred in District 1, 2, or 3, then it would have had to be filled by district.

Mr. Lusk stated he disagrees with the vacancy being at large; leaving the seat open is fine with him; and 1998 should not be held as a precedent as all seats were at large at that time. City Attorney Magdich clarified that the City will not be fully converted to districts until after the 2020 election.

Alex Aliferis, member of the public, stated that he believed the fair thing is to do nothing; the appointment process to City boards and commissions is an example of cronyism and the same would take place on the Council Member appointment; and appointing someone would give them an unfair advantage at the election in November.

Mayor Kuehne stated he does not think doing nothing is a good option; his choice would be to appoint someone not from District 5; and he has concerns about having a quorum for meetings.

In response to Council Member Mounce, City Attorney Magdich stated there were no cancellations due to a lack of quorum in 2020, there were three Shirtsleeve cancellations in 2019, and one Shirtsleeve/Special Meeting cancellation in 2017.

Mayor Kuehne made a motion to fill the vacancy by appointment, with a two-week application period. The motion died for lack of a second.

City Manager Schwabauer confirmed that Council direction at this time is to do nothing regarding the vacant seat.

C. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:02 a.m.

ATTEST:

Pamela M. Farris  
Assistant City Clerk

**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, MARCH 17, 2020**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, March 17, 2020, commencing at 7:07 a.m.

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

Absent: None

Also Present: City Manager Schwabauer, City Attorney Magdich, and Assistant City Clerk Farris

NOTE: Council Member Mounce participated in the meeting via teleconference.

B. Topic(s)

B-1 Provide Direction to Staff Regarding Mayoral Selection (CM)

City Manager Schwabauer provided a presentation regarding mayoral selection. Specific topics of discussion included the two initiatives previously presented in regard to mayoral selection; first initiative called for rotation of service as Mayor; second initiative called for a two-year elected Mayor, four elected Council Members, and term limits; withdrawal of both initiatives; single-subject rule violation of second initiative; and agreement to bring the matter before Council.

Council Member Mounce stated she thought an item should be put on the ballot for the November election for an elected two-year mayoral term as she has heard from many citizens in support of this.

Mayor Pro Tempore Nakanishi stated that he opposes putting the matter on the ballot as it would be costly; he feels it is unnecessary as things work well as they are and it would cost more to have a directly-elected Mayor; and he questioned if a directly-elected Mayor would have more power. He further noted that this issue came up because of the problems with rotation, so the Council should just rotate service as Mayor; if a citizens wants to put the item on the ballot, then let them do it, but he is opposed to the City putting the item on the ballot.

Council Member Chandler concurred with Mayor Pro Tempore Nakanishi. He stated that he is opposed to the issue as it is unnecessary and that the system currently in place has worked; there have been vocal people against the rotation system, however, it does not rise to the level where the general citizens are concerned; the cost would be too great; and he is concerned with the burden it places on the person serving as Mayor.

Mayor Pro Tempore Nakanishi stated that serving as Mayor takes a lot of time and questioned whether the salary would be increased to cover that. He further stated there is no need to increase the salary; if the position is rotated, each member can share the responsibility; if a Council Member does not want to serve, they would not have to; he feels Council should let the public know that they will rotate the position and then follow through.

Mayor Kuehne acknowledged that there are pros and cons to both sides, but he stated he is opposed to spending tax payer dollars to put this on the ballot.

Council Member Mounce inquired as to other valid suggestions, as the public has asked that the

system be fixed, and the rotation needs to not be political.

Mayor Pro Tempore Nakanishi stated that, as Mayor Pro Tempore, he would serve as Mayor next term and then the Council could begin a rotation.

City Manager Schwabauer clarified that Mayor Pro Tempore Nakanishi is suggesting that an ordinance be created that would formalize a rotation system.

Council Member Mounce expressed concern that a future Council could change the system, since it was adopted by ordinance, rather than by an initiative by the people.

Mike Lusk, member of the public, stated that he opposes having a mayor elected at large; the current City Manager structure works well. He further stated that last year he supported putting a measure on the ballot for a law change to formalize the rotation for mayor; at this time he would support Council in making an ordinance change and not putting it on the ballot due to the cost; the County Board of Supervisors have a rotation system that works well; having a mayor elected at large sets up a political power structure; and having a formalized rotation ensures that each district's Council member has one year of their agenda, which is fair for the City. Mr. Lusk stated that last year in collecting signatures in support of the initiative, he talked to a great number of people but only two were in favor of a directly-elected mayor, although a majority supported a formalized rotation by district.

Mayor Pro Tempore Nakanishi stated that he would support an ordinance and suggested that he serve as Mayor next term and start the rotation the following term. In response to Council Member Mounce's concerns, Mayor Pro Tempore Nakanishi suggested starting the rotation with District 4, following the Mayor Pro Tempore's term.

Mayor Kuehne expressed opposition to that suggestion as it shows favoritism.

Council Member Chandler expressed opposition to that suggestion as District 5 will elect a brand new Council Member at the November election and that person will need experience before serving as Mayor.

Mayor Kuehne stated that he has reservations about a formalized rotation as, evidenced by history, some Council Members are loose cannons who should not serve as Mayor. He further stated things are going well the way they are.

City Manager Schwabauer acknowledged he understood Council direction.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 7:26 a.m.

ATTEST:

Pamela M. Farris  
Assistant City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, MARCH 17, 2020**

A. Call to Order / Roll Call

The Special City Council meeting of March 17, 2020, was called to order by Mayor Kuehne at 7:03 a.m.

Present: Council Member Chandler, Council Member Mounce, and Mayor Kuehne  
Absent: Mayor Pro Tempore Nakanishi  
Also Present: City Manager Schwabauer, City Attorney Magdich, and Assistant City Clerk Farris

NOTE: Council Member Mounce participated in the meeting via teleconference.

B. Consent Calendar

B-1 Adopt Resolution Approving Exception to 180-Day Waiting Period for Appointing a Retired Annuitant to Serve as City's Public Information Officer (CM)

City Manager Schwabauer provided a presentation regarding approving an exception to the 180-day waiting period for appointing a retired annuitant to serve as the City's Public Information Officer. Specific topics of discussion included extenuating circumstances related to the COLVID-19 situation, need for a Public Information Officer during this time, and need for a resolution for CalPERS. City Manager Schwabauer also noted that staff may return in the future for consideration of temporarily bringing back other retired City employees, although the Governor may adopt a resolution on local agencies' behalf as he did for State agencies.

Council Member Chandler stated this is a prudent action and he is in support.

Council Member Chandler made a motion, second by Council Member Mounce, to adopt Resolution No. 2020-48 approving exception to 180-day waiting period for appointing a retired annuitant to serve as City's Public Information Officer.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tempore Nakanishi

C. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:06 a.m.

ATTEST:

Pamela M. Farris  
Assistant City Clerk

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MARCH 18, 2020**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of March 18, 2020, was called to order by Mayor Kuehne at 6:49 p.m.

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

Absent: Mayor Pro Tempore Nakanishi

Also Present: City Manager Schwabauer, City Attorney Magdich, and Assistant City Clerk Farris

NOTE: Council Member Mounce participated in the meeting via teleconference.

C-2 Announcement of Closed Session

- a) Conference with Adele Post, Human Resources Manager, and Andrew Keys, Deputy City Manager (Labor Negotiators), Regarding Council Appointees, and Confidential Employees Pursuant to Government Code §54957.6 (CM)

C-3 Adjourn to Closed Session

At 6:49 p.m., Mayor Kuehne adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 7:00 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:05, Mayor Kuehne reconvened the City Council meeting and adjourned to a Special Meeting.

At 7:40, Mayor Kuehne reconvened the City Council meeting, and Deputy City Manager disclosed the following actions.

Item C-2a) was discussion with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of March 18, 2020, was called to order by Mayor Kuehne at 7:40 p.m.

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

Absent: None

Also Present: City Manager Schwabauer, City Attorney Magdich, and Assistant City Clerk Farris

NOTE: Council Member Mounce participated in the meeting via teleconference.

B. Presentations – None

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

Council Member Mounce made a motion, second by Council Member Chandler, to approve the following items hereinafter set forth 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 Mounce, Mayor Pro Tempore Nakanishi, and Mayor Kuehne

Noes: None

Absent: None

- C-1 Receive Register of Claims for February 14, 2020 through February 27, 2020 in the Amount of \$6,557,680.48 (FIN)

Claims were approved in the amount of \$6,557,680.48.

- C-2 Approve Minutes (CLK)

The minutes of February 19, 2020 (Regular Meeting), February 25, 2020 (Shirtsleeve Session), February 25, 2020 (Special Meeting), and March 3, 2020 (Shirtsleeve Session) were approved as written.

- C-3 Approve Specifications and Authorize Advertisement for Bids for 2020 Downtown Concrete Cleaning, Adopt Resolution Authorizing City Manager to Award Contract to Lowest Responsive Bidder (Not to Exceed \$25,000) (PW)

Approved specifications and authorized advertisement for bids for 2020 Downtown Concrete Cleaning; and adopted Resolution No. 2020-50 authorizing the City Manager to award contract to lowest responsive bidder in an amount not to exceed \$25,000.

- C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Lodi Electric Utility Facility Renovation Project, and Adopt Resolution Authorizing City Manager to Execute Agreements with Mobile Modular Management Corporation, of Livermore (\$181,422), and WMB Architects, Inc., of Stockton (\$65,000)

Approved plans and specifications and authorized advertisement for bids for Lodi Electric Utility Facility Renovation Project, and adopted Resolution No. 2020-51 authorizing the City Manager to execute agreements with Mobile Modular Management Corporation, of Livermore, in the amount of \$181,422, and WMB Architects, Inc., of Stockton, in the amount of \$65,000.

- C-5 Adopt Resolution Awarding Bids for Purchase of 47 Wood Poles from Stella Jones, of Tacoma, Washington (\$49,714.90) and 28 Wood Poles from Oeser, of Bellingham, Washington (\$26,789.72) (EU)

Adopted Resolution No. 2020-52 awarding bids for purchase of 47 wood poles from Stella Jones, of Tacoma, Washington, in the amount of \$49,714.90, and 28 wood poles from Oeser, of Bellingham, Washington, in the amount of \$26,789.72.

- C-6 Adopt Resolution Authorizing Purchase of Self-Contained Breathing Apparatus Masks and Tanks from Bauer Compressors, of Livermore, and Gas Masks from Adamson Police Products, of Livermore, and Appropriate Funds (\$77,494.80) (PD)

Adopted Resolution No. 2020-53 authorizing purchase of self-contained breathing apparatus masks and tanks from Bauer Compressors, of Livermore, and gas masks from Adamson Police Products, of Livermore, and appropriating funds in the amount of \$77,494.80.

- C-7 Adopt Resolution Authorizing Purchase of Maintenance Connection Annual Licensing, Support, and Hosting Fees for Asset Management Software from Accruent, LLC, of Austin, Texas (\$25,494) (PW)

Adopted Resolution No. 2020-54 authorizing purchase of maintenance connection annual licensing, support, and hosting fees for asset management software from Accruent, LLC, of Austin, Texas, in the amount of \$25,494.

C-8 Adopt Resolution Selecting State Route 99/Harney Lane Interchange Reconstruction Project as Project Nomination for San Joaquin Council of Governments' One Voice Trip (\$5,440,000) (PW)

Adopted Resolution No. 2020-55 selecting State Route 99/Harney Lane Interchange Reconstruction Project as project nomination for San Joaquin Council of Governments' One Voice Trip, with project value of \$5,440,000.

C-9 Adopt Resolution Authorizing City Manager to Execute Amendment No. 3 to Professional Services Agreement with Stantec Consulting Services, Inc., of Rancho Cordova, for Additional Project Management Services of Final Phase of Assessment Grant for Hazardous Substances and Petroleum Brownfields, Extend Consulting Agreement Expiration Date to June 30, 2020, and Increase Contract by \$7,499.71 (CM)

Adopted Resolution No. 2020-56 authorizing the City Manager to execute Amendment No. 3 to Professional Services Agreement with Stantec Consulting Services, Inc., of Rancho Cordova, for additional project management services of final phase of assessment grant for hazardous substances and petroleum brownfields, extending consulting agreement expiration date to June 30, 2020, and increasing contract by \$7,499.71.

C-10 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Professional Services Agreement with United Site Services, Inc., of California (\$15,000) (PRCS)

Adopted Resolution No. 2020-57 authorizing the City Manager to execute Amendment No. 1 to Professional Services Agreement with United Site Services, Inc., of California, in the amount of \$15,000.

C-11 Adopt Resolution Approving Acquisition, Implementation and Ongoing Maintenance of New Integrated Library System Fee for Fiscal Year 2019/2020 (\$28,945.59) (LIB)

Adopted Resolution No. 2020-58 approving acquisition, implementation and ongoing maintenance of new Integrated Library System Fee for Fiscal Year 2019/2020, in the amount of \$28,945.59.

C-12 Appoint Lynsay Nuss to Lodi Improvement Committee; Post for Vacancies on Lodi Improvement Committee and Site Plan and Architectural Review Committee; and Post for Expiring Terms on Greater Lodi Area Youth Commission (Adult Advisors and Student Members), Library Board of Trustees, Lodi Arts Commission, and Planning Commission (CLK)

Made the following appointment and directed the City Clerk to post for the following vacancies:

APPOINTMENT:

Lodi Improvement Committee  
Lynsay Nuss (Term to expire March 1, 2023)

POSTINGS:

Lodi Improvement Committee  
Doug Bojack (Term to expire March 1, 2021)

Site Plan and Architectural Review Committee

John Della Monica (Term to expire January 1, 2022)

Greater Lodi Area Youth Commission (Adult Advisors)  
Jean Powell (Term to expire May 31, 2020)  
Jennifer Phillips-Lorentzen (Term to expire May 31, 2020)

Greater Lodi Area Youth Commission (Student Members)  
Benjamin Gobel (Term to expire May 31, 2020)  
Morgan Orlando (Term to expire May 31, 2020)  
Jordyn Hummel (Term to expire May 31, 2020)  
Brandon Duran (Term to expire May 31, 2020)  
Rayleen Salgado (Term to expire May 31, 2020)  
Jasmine Shukla (Term to expire May 31, 2021)  
Kevin Armknecht (Term to expire May 31, 2021)  
Arriana Galvan (Term to expire May 31, 2021)

Library Board of Trustees  
David Main (Term to expire June 30, 2020)

Lodi Arts Commission  
Catherine Metcalf (Term to expire July 1, 2020)

Planning Commission  
Crystal Hicks (Term to expire June 30, 2020)

C-13 Receive for File the Following Reports and Financial Statements Submitted by The Pun Group, LLP and the Finance Department for Fiscal Year 2018-2019 Including Single Audit Report, Agreed-upon Procedures for Gann Limit, and Agreed-upon Procedures for National Transit Database (CM)

Received for file the following reports and financial statements submitted by The Pun Group, LLP, and the Finance Department for Fiscal Year 2018-2019 including Single Audit Report, Agreed-upon Procedures for Gann Limit, and Agreed-upon Procedures for National Transit Database.

C-14 Accept Monthly Protocol Account Report Through February 29, 2020 (CLK)

Accepted Monthly Protocol Account Report through February 29, 2020.

C-15 Authorize City Clerk to Grant Request for Leave to Present Late Claim, by D. Michael Spurgeon, Pursuant to Government Code Section 911.6(a) (CA)

Authorized City Clerk to grant Request for Leave to Present Late Claim by D. Michael Spurgeon, Pursuant to Government Code Section 911.6(a).

C-16 Set Public Hearing for April 15, 2020 to Consider Adopting Resolution Approving Draft 2020-21 Annual Action Plan; and Set Public Hearing for May 6, 2020 to Consider Adopting Resolution Approving Final 2020-21 Annual Action Plan for Community Development Block Grant (CDBG) Program (CD)

Set public hearing for April 15, 2020 to consider adopting resolution approving Draft 2020-21 Annual Action Plan; and set public hearing for May 6, 2020 to consider adopting resolution approving Final 2020-21 Annual Action Plan for Community Development Block Grant (CDBG) Program.

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.

Ashley Goldlist provided an email comment (filed) before the Council meeting which was provided to Council Members regarding placing a moratorium on rent increases and price gouging on water utilities during the coronavirus crisis.

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

Council Member Mounce stated she participated in an informative conference call with the White House today and would defer to the City Manager on the reporting of details.

Mayor Pro Tempore Nakanishi reminded the public about safety measures to prevent the spread of the coronavirus.

Mayor Kuehne reported on a conference call today with the Governor's office regarding homelessness and the coronavirus, and reminded the public to stay calm but to take the warnings and directives about the coronavirus seriously.

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

City Manager Schwabauer stated that this afternoon the City issued a joint press release with Lodi Unified School District, Adventist Health/Lodi Memorial Hospital, and the Chamber of Commerce which was an effort to show that all sectors of the city, including businesses, are advocating for the public to follow the advice of the State and federal government. He further stated that today Council and staff participated in a conference call with the staff of the President of the United States, Vice President Mike Pence, and representatives of the various departments of the administration; the most encouraging was the presentation from the Small Business Administration regarding the release of funding for small businesses and that grants should be funded within weeks.

G. Public Hearings – None

H. Regular Calendar

H-1 Adopt Resolution Approving Revisions to the City Manager's Employment Contract Amending Compensation and Increasing the Employee's Contribution of the Employer's Normal Contribution of CalPERS (Cost-Sharing)

Deputy City Manager Keys provided a presentation regarding amendment of the City Manager's employment contract. Specific topics of discussion included salary 17% below average and 18% below median among 16 surveyed cities; compensation increase similar to other employees and to provide some equity with comparable cities; increases of 7.3% effective January 2020, 1% effective July 2020, 5% effective January 2021 and January 2022; 1% CalPERS cost-sharing effective July 2020, January 2021, and January 2022; and cost of \$40,000 over three years with \$24,000 from General Fund.

Council Member Chandler made a motion, second by Mayor Pro Tempore Nakanishi, to adopt Resolution No. 2020-59 approving revisions to the City Manager's employment contract amending compensation and increasing the employee's contribution of the employer's normal contribution of CalPERS (cost-sharing).

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H-2 Adopt Resolution Approving Revisions to the City Attorney's Employment Contract Amending Compensation and Increasing the Employee's Contribution of the Employer's Normal Contribution of CalPERS (Cost-Sharing)

Deputy City Manager Keys provided a presentation regarding amendment of the City Attorney's employment contract. Specific topics of discussion included salary 22% below average and 23% below median per survey of comparable cities; salary increase of 9% effective January 2020, 1% effective July 2020, 5% effective January 2021 and January 2022; 1% CalPERS cost-sharing effective July 2020, January 2021, and January 2022; and cost of \$40,000 with \$13,750 from the General Fund.

Corey Jones, member of the public, stated that law enforcement and emergency medical services personnel deserve the same salary adjustments.

Council Member Chandler made a motion, second by Mayor Pro Tempore Nakanishi, to adopt Resolution No. 2020-60 approving revisions to the City Attorney's employment contract amending compensation and increasing the employee's contribution of the employer's normal contribution of CalPERS (cost-sharing).

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H-3 Adopt Resolution Approving Revisions to the Salary and Increasing the Employee's Contribution of the Employer's Normal Contribution of CalPERS (Cost-Sharing) for the City Clerk

Deputy City Manager Keys provided a presentation regarding revisions to the salary and increase to the employee's contribution of the employer's normal contribution of CalPERS (cost-sharing) for the City Clerk. Specific topics of discussion included salary 15% below average and 16% below median of surveyed cities; 5% adjustment effective March 23, 2020; 1% CalPERS cost share effective July 2020, January 2021, and January 2022; and cost of \$6,900 with \$4,900 out of General Fund.

Council Member Chandler made a motion, second by Mayor Pro Tempore Nakanishi, to adopt Resolution No. 2020-61 approving revisions to the salary and increasing the employee's contribution of the employer's normal contribution of CalPERS (cost-sharing) for the City Clerk.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H-4 Adopt Resolution Approving Revisions to Compensation and Benefits for Confidential

General Services Employees and Revisions to Compensation for the Position of Deputy City Attorney for the Period January 1, 2020 through December 31, 2022 (CM)

Deputy City Manager Keys provided a presentation regarding revisions to compensation and benefits for Confidential General Services employees and revisions to compensation for the Deputy City Attorney. Specific topics of discussion included compensation and benefits for Confidential General Services employees being adjusted prior to AFSCME contract approval; 1% salary adjustment retroactive to January 13 rather than effective in July; provision for medical insurance premium protection for lower pay scale; salary range for position of Deputy City Attorney significantly below market; sliding step adjustment with elimination of lowest two steps and addition of two top steps; and cost of \$53,000 with \$32,000 from General Fund.

Corey Jones, member of the public, stated that in times of national/county/city emergencies raises should be put on hold and raises should only be in emergency services.

Council Member Chandler made a motion, second by Mayor Pro Tempore Nakanishi, to adopt Resolution No. 2020-62 approving revisions to compensation and benefits for Confidential General Services employees and revisions to compensation for the position of Deputy City Attorney for the period January 1, 2020 through December 31, 2022.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I. Ordinances – None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:18 p.m.

ATTEST:

Pamela M. Farris  
Assistant City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MARCH 18, 2020**

A. Call to Order / Roll Call

The Special City Council meeting of March 18, 2020, was called to order by Mayor Kuehne at 7:06 p.m.

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

Absent: None

Also Present: City Manager Schwabauer, City Attorney Magdich, and Assistant City Clerk Farris

NOTE: Council Member Mounce participated in the meeting via teleconference.

NOTE: Mayor Pro Tempore Nakanishi arrived at 7:17 p.m.

B. Regular Calendar

B-1 Adopt a Resolution Ratifying the City Manager's Proclamation Finding the Existence of a Local Emergency and Rendering Certain Emergency Orders, Including an Increase in the City Manager's Contracting Authority for Services and Goods to a Maximum Amount of \$250,000 for the Duration of the Local Emergency (CA)

NOTE: Rosa Trevezo, a State of California Certified Court Spanish Interpreter/Translator, was present and translated the presentation and comments into Spanish.

City Manager Schwabauer provided a presentation regarding the City Manager's proclamation of the existence of a local emergency. He stated that earlier this week he declared a local emergency to secure federal and State aid to assist the City in its response to the coronavirus; Council is asked to authorize that order. He emphasized that the declaration was for financial purposes and not intended to imply that significant lives are in danger in Lodi. He further stated that in addition to the authorization of the order, Council is being asked to increase the City Manager's purchasing authority to \$250,000 and suspend the normal purchasing requirements and procedures for supplies to meet the response to the coronavirus.

In response to Council Member Mounce, City Manager Schwabauer stated that the order is written to self-terminate at the end of the pandemic, the declaration must be reaffirmed every 30 days, and reporting requirements will follow the City's existing policy on purchases over \$10,000.

In response to Council Member Mounce, City Manager Schwabauer explained that his current authority is \$20,000 but all purchases over \$10,000 are reported quarterly, the City Attorney's recommendation is to report every 30 days when returning to Council to reauthorize the declaration, and this would need to be added to the resolution.

In response to Council Member Chandler, City Attorney Magdich clarified that the proclamation declared the local emergency effective on Monday, March 16, 2020, at 8 a.m., when the Council was not in session.

In response to Council Member Chandler, City Manager Schwabauer stated that at this time staff does not know all of the instances that might require an expenditure, however, anticipated needs

include such things as acquisition of cleaning and disinfection services in facilities that may be impacted by the coronavirus and possibly the need to secure additional supplies of food and other essentials.

In response to Council Member Chandler, City Attorney Magdich explained that the Government Code requires that the City Manager's proclamation of a local emergency be ratified by the Council within seven days of issuance; should the Council ratify the proclamation, the Council will need to affirm the proclamation every 30 days thereafter. City Manager Schwabauer stated that if Council does not authorize the proclamation, the City would not be eligible for FEMA and State reimbursement.

Mayor Pro Tempore Nakanishi expressed support for the item.

Natalie Bowman, member of the public, stated that she is the founder of a local nonprofit organization and has questions regarding (1) how needs are to be determined and (2) whether the \$250,000 is solely for City services and staff.

City Manager Schwabauer stated that it is staff's expectation that the City will be working with nonprofits going forward. He clarified that the funding is not limited to \$250,000; the resolution would authorize multiple purchases up to \$250,000; staff cannot anticipate every need but purchases would be to provide direct services for citizens of Lodi.

Council Member Mounce expressed concern regarding State and federal reimbursement for public/private uses as proposed by Ms. Bowman; in response, City Manager Schwabauer stated staff will be evaluating expenditures to ensure that they are reimbursable.

City Manager Schwabauer clarified that the primary purpose of this authorization is to be able to respond to unanticipated emergencies without having to wait two weeks for a Council meeting and that any major expenditure that can be planned will be brought to Council for approval.

Council Member Chandler inquired as to the process should the City decide to engage with and fund nonprofits. In response, City Manager Schwabauer stated that it would depend upon the emergency; for example, if the City were to experience a demand for staples, staff might work directly with a nonprofit to ensure supplies were immediately available.

Mayor Pro Tempore Nakanishi expressed support and stated the City needs someone with authority to get things done quickly.

City Manager Schwabauer stated that this resolution will assist in taking continued actions to address the needs of the City and is consistent with resolutions adopted by cities throughout the State in the last week.

Council Member Chandler made a motion, second by Mayor Pro Tempore Nakanishi, to adopt Resolution No. 2020-49 ratifying the City Manager's proclamation finding the existence of a local emergency and rendering certain emergency orders, including an increase in the City Manager's contracting authority for services and goods to a maximum amount of \$250,000 for the duration of the local emergency.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:40 p.m.

ATTEST:

Pamela M. Farris  
Assistant City Clerk

**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, MARCH 24, 2020**

The March 24, 2020, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Pamela M. Farris  
Assistant City Clerk

**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, MARCH 31, 2020**

The March 31, 2020, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Pamela M. Farris  
Assistant City Clerk

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, APRIL 1, 2020**

The April 1, 2020, Regular Meeting of the Lodi City Council was canceled.

ATTEST:

Pamela M. Farris  
Assistant City Clerk



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# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Authorizing City Manager to Waive Bid Process and Purchase One Vaughan Horizontal Chopper Pump for White Slough Water Pollution Control Facility from Rockwell Engineering and Equipment, Co., of Tustin Ranch (\$25,536)

**MEETING DATE:** April 15, 2020

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution authorizing City Manager to waive bid process and purchase one Vaughan horizontal chopper pump for White Slough Water Pollution Control Facility from Rockwell Engineering and Equipment, Co., of Tustin Ranch, in the amount of \$25,536.

**BACKGROUND INFORMATION:** The existing pump that lifts wastewater from the City's industrial waste system was installed in 2007. This obsolete pump has become unreliable and is no longer suitable for this application. New pump technology is available (and currently utilized in other areas of the treatment plant) that will minimize maintenance and operate more efficiently. White Slough Pollution Control Facility currently operates and maintains five Vaughn chopper pumps with minimal problems. The purchase of a Vaughn horizontal chopper pump would replace the existing ITT Flyght Centrifugal Pump.

Rockwell Engineering and Equipment, Co. is a sole-source vendor. Per Lodi Municipal Code, Section 3.20.070, Bidding, the bidding process may be dispensed when the commodity can be obtained from only one vendor, due to need for branded replacement parts or supplies for equipment of like brand.

Staff recommends authorizing City Manager to waive bid process and purchase one Vaughan horizontal chopper pump for White Slough Water Pollution Control Facility from Rockwell Engineering and Equipment, Co., of Tustin Ranch, in the amount of \$25,536.

**FISCAL IMPACT:** This purchase does not impact the General Fund.

**FUNDING AVAILABLE:** WSWPCF Plant Operations (53053003.77030) - \$25,536

\_\_\_\_\_  
Andrew Keys  
Deputy City Manager/Internal Services Director

\_\_\_\_\_  
Charles E. Swimley, Jr.  
Public Works Director

Prepared by Lance Roberts, Utilities Manager  
CES/LR/tw  
Attachments

APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager



# ROCKWELL

ENGINEERING AND EQUIPMENT CO.

TUSTIN, CA 92782

## PUMP QUOTE

QUOTE DATE 2/3/2020  
 QUOTE # 38306  
 QUOTED BY BR

### CUSTOMER

CITY OF LODI  
 P.O. BOX 3006  
 LODI, CA 95241-1910

### TERMS

NET-30 DAYS

### MANUFACTURER

VAUGHAN

ITEM	DESCRIPTION	QUANTITY	COST	Total
HE8N10CS	VAUGHAN HORIZONTAL CHOPPER PUMP - MOTOR STOOL - MOTOR COUPLING - 15 HP 890 RPM PREM EFF. MOTOR - REUSING EXISTING BASE	1	22,850.00	22,850.00T
SHIPPING	SHIPPING CHARGES	1	800.00	800.00
	LEAD TIME: 5 - 6 WEEKS			
	SALES TAX - SAN JOAQUIN CNTY (City of Lodi)		8.25%	1,885.13
<b>TOTAL</b>				<b>\$25,535.13</b>

PHONE (714) 505-9700  
 FAX (714) 505-9800

[www.rockwellengineering.com](http://www.rockwellengineering.com)

Credit card payments are only accepted prior to  
 or at time of shipment.

January 30, 2020

Nathan Shropshire  
W.S.W.P.C.F Maintenance Supervisor  
City of Lodi  
12751 N. Thornton Rd  
Lodi, CA 95240

Dear Nathan,

The appointed Vaughan Company Inc. Representative and sole source for the City of Lodi, CA including sales, service and parts is Rockwell Engineering. Please contact them for pricing, information or any other assistance you require.

**Rockwell Engineering & Equipment**

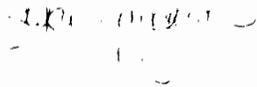
2913 El Camino Real  
Ste 337  
Tustin, CA 92782

Phone: 714-505-9700

Fax: 714-505-9800

E-mail: [brad@rockwellengineering.com](mailto:brad@rockwellengineering.com)

Sincerely,



Stefanie Vaughan  
**Vaughan Company, Inc.**

Phone: 360.249.4042 ext. 227

E-Mail: [stefanie@chopperpumps.com](mailto:stefanie@chopperpumps.com)



RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AUTHORIZING PURCHASE OF VAUGHAN HORIZONTAL  
CHOPPER PUMP FOR WHITE SLOUGH WATER  
POLLUTION CONTROL FACILITY, FROM ROCKWELL  
ENGINEERING AND EQUIPMENT, CO., OF TUSTIN RANCH

=====

WHEREAS, the existing pump that lifts wastewater from the City's industrial waste system was installed in 2007; and

WHEREAS, new pump technology is available (and currently utilized in other areas of the treatment plant) that will minimize maintenance and operate more efficiently; and

WHEREAS, per Lodi Municipal Code §3.20.070, bidding process may be dispensed when the commodity can be obtained from only one vendor, due to need for branded replacement parts or supplies for equipment of like brand; and

WHEREAS, staff recommends authorizing the City Manager to waive bid process and purchase one Vaughan horizontal chopper pump for White Slough Water Pollution Control Facility from Rockwell Engineering and Equipment, Co., of Tustin Ranch, in the amount of \$25,536.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to waive the bidding process per Lodi Municipal Code Section 3.20.070; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize the purchase of one Vaughan horizontal chopper pump for White Slough Water Pollution Control Facility from Rockwell Engineering and Equipment, Co., of Tustin Ranch, in the amount of \$25,536; and

BE IT FURTHER RESOLVED, pursuant to Section 6.3q of the City Council Protocol Manual (Res. No. 2019-223), the City Attorney is hereby authorized to make minor revisions to the above-referenced document(s) that do not alter the compensation or term, and to make clerical corrections as necessary.

Dated: April 15, 2020

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I hereby certify that Resolution No. 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Adopt Resolution Awarding Contract for Citywide Bicycle Facilities Detection Improvement Project to St. Francis Electric, LLC, of San Leandro (\$740,795), Authorizing City Manager to Execute Change Orders (\$60,000), and Appropriating Funds (\$212,400)

**MEETING DATE:** April 15, 2020

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution awarding contract for Citywide Bicycle Facilities Detection Improvement Project to St. Francis Electric, LLC, of San Leandro, in the amount of \$740,795, authorizing City Manager to execute change orders in an amount not to exceed \$60,000, and appropriating funds in the amount of \$212,400.

**BACKGROUND INFORMATION:** On January 15, 2020, Council approved plans and specifications and authorized advertisement for bids for Citywide Bicycle Facilities Detection Improvement Project. The project includes installing 13 bike/traffic video detection systems on existing traffic signals, painting 20,300 square feet of green bike lanes, and other incidental and related work.

The City received the following four bids on February 19, 2020:

<b>Bidder</b>	<b>Location</b>	<b>Bid</b>	<b>Above/(Below) Engineer's Estimate</b>
Engineers Estimate		\$468,090	
St Francis Electric LLC.	San Leandro	\$740,795	\$272,705
Pacific Excavation, Inc.	Elk Grove	\$798,259	\$330,169
Power Design Electric, Inc.	Kingsburg	\$1,136,437	\$668,347
Bear Electrical Solutions, Inc.	Alviso	\$1,176,865	\$708,775

The bids received are substantially higher than the engineer's estimate and exceeded the funding available from the Active Transportation Program grant, which is \$447,000, and the budgeted local funding match of \$118,000.

Staff examined the bid results and determined that there would be a substantial savings if the green bike lanes can be modified to a different configuration, which was used by the state of Hawaii and the City of Los Angeles (Exhibit A). Instead of painting the entire bike lane green, a green paint stripe is installed adjacent to the white bike lane stripe to make the contrast. The proposed green bike stripes delineate the bike lane facilities and substantially reduce the installation cost and future maintenance cost. Staff recommends using reflective thermos-plastic for the green bike stripe, which has expected life of more than five years and is expected to outlast the originally proposed textured green paint which has an expected life of only two years. The expected project saving will be approximately \$82,000. Staff will implement the change as a deductive change order after the contract is executed. St. Francis Electric, LLC is supportive of the proposed deduction.

APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

The California Transportation Commission and San Joaquin Council of Governments concurred with the proposed design changes to save costs and move this project forward. The contract is estimated to be \$658,840 with the green bike stripe change. The total project cost includes inspection and project contingencies and is estimated to be \$777,400.

Staff recommends awarding contract for Citywide Bicycle Facilities Detection Improvement Project to St. Francis Electric, LLC, of San Leandro, in the amount of \$740,795, authorizing City Manager to execute change orders in an amount not to exceed \$60,000, and appropriating funds in the amount of \$212,400.

**FISCAL IMPACT:** There will be an increase in future maintenance cost to maintain the new green bicycle striping.

**FUNDING AVAILABLE:**

Fiscal Year 2019/20 Budget:	
Active Transportation Program Grant (30999000.77020):	\$447,000
TDA Streets (30599000.77020):	\$118,000
Requested Appropriation:	
TDA Streets (30599000.77020):	\$ 2,000
Street Fund (30099000.77020)	<u>\$210,400</u>
<b>TOTAL:</b>	<b>\$777,400</b>

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Andrew Keys  
Deputy City Manager/Internal Services Director

---

Charles E. Swimley, Jr.  
Public Works Director

Prepared by Sean Nathan, Senior Civil Engineer  
CES/SN/tc  
Attachment

cc: Senior Civil Engineer, Nathan  
Engineering Technician, Mangrich  
Public Works Management Analyst  
Interwest Consultant  
David Ripperda, SJCOG  
St Francis Electric LLC

# EXHIBIT A



**CITYWIDE BICYCLE FACILITIES DETECTION  
IMPROVEMENT PROJECT  
Various Locations**

**CONTRACT**

CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the CITY OF LODI, State of California, herein referred to as the "City," and ST. FRANCIS ELECTRIC, INC., a California corporation, herein referred to as the "Contractor."

WITNESSETH:

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete Contract consists of the following documents which are incorporated herein by this reference, to-wit:

Notice Inviting Bids	The 2018 Edition,
Information to Bidders	Standard Specifications,
Certifications and Forms	State of California,
General Provisions	Business and Transportation Agency,
Federal Requirements	Department of Transportation
Special Provisions	
Bid Proposal	
Contract	
Contract Bonds	
Federal Minimum Wage Rates	
Plans	
Addenda	

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

ARTICLE I - That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the City and under the condition expressed in the two bonds bearing even date with these presents and hereunto annexed, the Contractor agrees with the City, at Contractor's cost and expense, to do all the work and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to construct and complete in a good workmanlike and substantial manner and to the satisfaction of the City the proposed improvements as shown and described in the Contract Documents which are hereby made a part of the Contract.

ARTICLE II - The City hereby promises and agrees with the Contractor to employ, and does hereby employ, the Contractor to provide all materials and services not supplied by the City and to do the work according to the terms and conditions for the price herein, and hereby contracts to pay the same as set forth in Section 5.600, "Measurement, Acceptance and Payment," of the General Provisions, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III - The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

ARTICLE IV - And the Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Plans and Contract Documents and the requirements of the Engineer under them, to-wit:

The work consists of installing 13 traffic video detection systems on existing traffic signals, painting 20,300 square feet of green bike lanes, and other incidental and related work as described in the specifications for the above project.

For additional bid item descriptions refer to Section 6-07 "Description of Bid Items".

CONTRACT ITEMS

Item	Description	QTY	Unit	Unit Price	Total
1	Mobilization (Not to Exceed 5% of Total Contract)	1	LS	\$25,000.00	\$25,000.00
2	Traffic Control	1	LS	\$25,000.00	\$25,000.00
3	Install Video Detection System at Turner Rd @ Woodhaven Ln	1	LS	\$47,900.00	\$47,900.00
4	Install Video Detection System at Elm St @ Lower Sacramento Rd	1	LS	\$47,900.00	\$47,900.00
5	Install Video Detection System at Lodi Ave @ Lower Sacramento Rd	1	LS	\$47,900.00	\$47,900.00
6	Install Video Detection System at Tokay St @ Lower Sacramento Rd	1	LS	\$29,900.00	\$29,900.00
7	Install Video Detection System at Vine St @ Lower Sacramento Rd	1	LS	\$47,900.00	\$47,900.00
8	Install Video Detection System at Vintner Square & Sunwest Market Place @ Lower Sacramento Rd	1	LS	\$29,900.00	\$29,900.00

9	Install Video Detection System at Century Blvd @ Lower Sacramento Rd	1	LS	\$47,900.00	\$47,900.00
10	Install Video Detection System at Harney Ln @ Lower Sacramento Rd	1	LS	\$29,900.00	\$29,900.00
11	Install Video Detection System at Lodi Ave @ Crescent Ave	1	LS	\$29,900.00	\$29,900.00
12	Install Video Detection System at Lodi Ave @ Hutchins St	1	LS	\$29,900.00	\$29,900.00
13	Install Video Detection System at Tokay St @ Hutchins St	1	LS	\$29,900.00	\$29,900.00
14	Install Video Detection System at Vine St @ Hutchins St	1	LS	\$29,900.00	\$29,900.00
15	Install Video Detection System at Century Blvd @ Hutchins St	1	LS	\$47,900.00	\$47,900.00
16	Paint Green Bike Lane Pavement Coating	20,300	SF	\$8.60	\$174,580.00
17	Paint Bike Lane with Person Symbol per Caltrans Std Plan A24C	62	EA	\$90.00	\$5,580.00
18	Paint Bike Lane Arrow per Caltrans Std Plan A24A	62	EA	\$90.00	\$5,580.00
19	Paint Caltrans Detail 39	3,300	LF	\$1.50	\$4,950.00
20	Paint Caltrans Detail 39A	1,100	LF	\$1.50	\$1,650.00
21	Paint Bike Detector Symbol per Caltrans Std Plan A24C	27	EA	\$65.00	\$1,755.00

TOTAL \$ 740,795.00

ARTICLE V - By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE VI - It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE VII - The City is to furnish the necessary rights-of-way and easements and to establish lines and grades for the work as specified under the Special Provisions. All labor or materials not mentioned specifically as being done by the City will be supplied by the Contractor to accomplish the work as outlined in the specifications.

ARTICLE VIII - The Contractor agrees to commence work pursuant to this contract within 15 calendar days after the City Manager has executed the contract and to diligently prosecute to completion within **120 CALENDAR DAYS**.

ARTICLE IX - State of California Senate Bill 854 requires the following:

- No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- No contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.
- This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE TIME OF COMPLETION FOR THIS CONTRACT IS REASONABLE AND THE CONTRACTOR AGREES TO PAY THE CITY LIQUIDATED DAMAGES AS SET FORTH IN SECTION 6-04.03 OF THE SPECIAL PROVISIONS. CONTRACTOR AGREES THAT THIS AMOUNT MAY BE DEDUCTED FROM THE AMOUNT DUE THE CONTRACTOR UNDER THE CONTRACT.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date written below.

CONTRACTOR:

CITY OF LODI, a municipal corporation

\_\_\_\_\_

By: \_\_\_\_\_  
STEPHEN SCHWABAUER  
City Manager

By: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Title

Attest:

\_\_\_\_\_  
PAMELA M. FARRIS  
Assistant City Clerk

(CORPORATE SEAL)

Approved As To Form:

\_\_\_\_\_  
JANICE D. MAGDICH  
City Attorney





RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING  
CONTRACT FOR CITYWIDE BICYCLE FACILITIES DETECTION  
IMPROVEMENT PROJECT TO ST. FRANCIS ELECTRIC, LLC, OF  
SAN LEANDRO, AUTHORIZING CITY MANAGER TO EXECUTE  
CHANGE ORDERS, AND APPROPRIATING FUNDS

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on February 19, 2020, at 11:00 a.m., for Well 27 Granular Activated Carbon Filter System, described in the plans and specifications therefore approved by the City Council on January 15, 2020; and

WHEREAS, said bids have been checked and tabulated and a report thereof filed with the City Manager as follows:

<b>Bidder</b>	<b>Location</b>	<b>Bid</b>	<b>Above/(Below) Engineer's Estimate</b>
Engineers Estimate		\$468,090	
St Francis Electric LLC.	San Leandro	\$740,795	\$272,705
Pacific Excavation, Inc.	Elk Grove	\$798,259	\$330,169
Power Design Electric, Inc.	Kingsburg	\$1,136,437	\$668,347
Bear Electrical Solutions, Inc.	Alviso	\$1,176,865	\$708,775

WHEREAS, staff recommends that the City Council award the contract for Citywide Bicycle Facilities Detection Improvement Project to St. Francis Electric, LLC, of San Leandro, in the amount of \$740,795; and

WHEREAS, staff also recommends that the City Council authorize the City Manager to execute change orders in an amount not to exceed \$60,000; and

WHEREAS, staff further recommends the City Council appropriate funds in the amount of \$2,000, from the fund balance of TDA Streets (30599000.77020) and \$210,400 from the fund balance of Street Fund (30099000.77020) for Fiscal Year 2019/20.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the contract for Citywide Bicycle Facilities Detection Improvement Project to St. Francis Electric, LLC, of San Leandro, in the amount of \$740,795; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize City Manager to execute change orders in an amount not to exceed \$60,000; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize an appropriation for Citywide Bicycle Facilities Detection Improvement Project, in the amount of \$212,400, as set forth above; and

BE IT FURTHER RESOLVED, pursuant to Section 6.3q of the City Council Protocol Manual (adopted 11/6/19, Resolution No. 2019-223), the City Attorney is hereby authorized to make minor revisions to the above-referenced document(s) that do not alter the compensation or term, and to make clerical corrections as necessary.

Dated: April 15, 2020

I hereby certify that Resolution No. 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk

2020-\_\_\_\_\_



# CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Adopt Resolution Approving Purchase of Cortex XDR and Panorama Centralized Management by Palo Alto Networks from CDW-G of Vernon Hills, Illinois (\$102,260.48)

**MEETING DATE:** April 15, 2020

**PREPARED BY:** Information Technology Manager

---

**RECOMMENDED ACTION:** Adopt resolution approving purchase of Cortex XDR and Panorama Centralized Management by Palo Alto Networks from CDW-G of Vernon Hills, Illinois in the amount of \$102,260.48.

**BACKGROUND INFORMATION:** As part of the City's efforts to update the aging network security infrastructure and improve the protection of City network assets, the City will replace Kaspersky anti-virus with Palo Alto Cortex XDR.

The City's current firewall from Palo Alto Networks can be licensed with Cortex XDR, end point protection software. Cortex XDR is a behavioral based analytical software that uses artificial intelligence and machine learning to find anomalous behavior indicative of attacks. Cortex XDR initiates remediation to quarantine infected machines before an attack can spread.

Palo Alto Panorama Centralized Management allows staff to monitor real-time threats against the City's network through using the current Palo Alto firewall. Panorama provides centralized management and visibility of the five Palo Alto Network firewalls being implemented across the City network. City I.T. staff can gain insight into applications, users and content traversing the firewalls. Staff would be able to centrally perform analysis, reporting and forensics with the aggregated data. The purchase of the appliance is done through a value added reseller (VAR) CDW-G, since Hewlett-Packard does not sell this product directly to customers. In accordance with Lodi Municipal Code Section 3.20.077, the Information Technology Manager has the ability to acquire electronic hardware through negotiation, requests for proposal or competitive bids and award based on "best value" criteria. The Information Technology Manager has selected to utilize the negotiation method for acquiring the Cisco Email filtering service for the following reasons:

- IT manufacturers will work with one value-added reseller (VAR) when creating quotes for products for a single customer.
- Other VARs will not quote a product from the same manufacturer if a prior quote had already been created for a competing VAR for a single customer.

**FISCAL IMPACT:** Funding for this project is included in the California state grant for cybersecurity.

**FUNDING AVAILABLE:** Three year license agreement: 21620400.77020

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Benjamin Buecher  
Information Technology Manager

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Andrew Keys  
Deputy City Manager

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APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

# QUOTE CONFIRMATION



**DEAR MATT CASSON,**

Thank you for considering CDW•G for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
LJDR414	3/27/2020	PA CORTEX XDR	1348160	<b>\$92,839.75</b>

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
<a href="#">Cortex XDR Pro - license - 1 endpoint</a> Mfg. Part#: PAN-XDR-ADV-EP Electronic distribution - NO MEDIA Contract: Standard Pricing	700	5878169	\$62.49	\$43,743.00
<a href="#">Cortex XDR Pro - license - 1 TB capacity</a> Mfg. Part#: PAN-XDR-ADV-1TB Electronic distribution - NO MEDIA Contract: Standard Pricing	5	5876960	\$9,819.35	\$49,096.75

PURCHASER BILLING INFO		SUBTOTAL	\$92,839.75
<b>Billing Address:</b> CITY OF LODI ACCTS PAYABLE PO BOX 3006 LODI, CA 95241-1910 <b>Phone:</b> (209) 333-5538 <b>Payment Terms:</b> Net 30 Days-Govt State/Local		<b>SHIPPING</b>	\$0.00
		<b>SALES TAX</b>	\$0.00
		<b>GRAND TOTAL</b>	<b>\$92,839.75</b>
		<b>DELIVER TO</b> <b>Shipping Address:</b> CITY OF LODI DANNY DUKE 221 W PINE ST LODI, CA 95240-2089 <b>Shipping Method:</b> ELECTRONIC DISTRIBUTION	

Need Assistance? CDW•G SALES CONTACT INFORMATION

	Brian Clouser		(866) 339-4119		briaclo@cdwg.com
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This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at <http://www.cdwg.com/content/terms-conditions/product-sales.aspx>  
 For more information, contact a CDW account manager

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# QUOTE CONFIRMATION



**DEAR MATT CASSON,**

Thank you for considering CDW•G for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
LJDR162	3/27/2020	PA PANORAMA	1348160	<b>\$9,420.73</b>

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
<a href="#">Panorama Centralized Management - license - up to 25 devices</a> Mfg. Part#: PAN-PRA-25 UNSPSC: 43232804 Electronic distribution - NO MEDIA Contract: Standard Pricing	1	2514035	\$4,869.10	\$4,869.10
<a href="#">Palo Premium Support Program - technical support - for Panorama - 3 years</a> Mfg. Part#: PAN-SVC-PREM-PRA-25-3YR UNSPSC: 81112201 Electronic distribution - NO MEDIA Contract: Standard Pricing	1	2844481	\$4,551.63	\$4,551.63

<b>PURCHASER BILLING INFO</b>  <b>Billing Address:</b> CITY OF LODI ACCTS PAYABLE PO BOX 3006 LODI, CA 95241-1910 <b>Phone:</b> (209) 333-5538 <b>Payment Terms:</b> Net 30 Days-Govt State/Local	<b>SUBTOTAL</b>	\$9,420.73
	<b>SHIPPING</b>	\$0.00
	<b>SALES TAX</b>	\$0.00
	<b>GRAND TOTAL</b>	<b>\$9,420.73</b>
<b>DELIVER TO</b>  <b>Shipping Address:</b> CITY OF LODI DANNY DUKE 221 W PINE ST LODI, CA 95240-2089 <b>Shipping Method:</b> ELECTRONIC DISTRIBUTION	<b>Please remit payments to:</b>  CDW Government 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515	

Need Assistance? CDW•G SALES CONTACT INFORMATION

	<b>Brian Clouser</b>	(866) 339-4119	briaclo@cdwg.com
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This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at <http://www.cdwg.com/content/terms-conditions/product-sales.aspx>  
 For more information, contact a CDW account manager

RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING  
THE CITY MANAGER TO PURCHASE CORTEX XDR AND  
PANORAMA CENTRALIZED MANAGEMENT BY PALO ALTO  
NETWORKS FROM CDW-G OF VERNON HILLS, ILLINOIS

=====

WHEREAS, as part of the City's efforts to update the aging network security infrastructure and improve the protection of City network assets, the City will replace Kaspersky anti-virus with Cortex XDR; and

WHEREAS, the City's current firewall from Palo Alto Networks can be licensed with Cortex XDR end point protection software; and

WHEREAS, Cortex XDR is a behavioral based analytical software that uses artificial intelligence and machine learning to find anomalous behavior indicative of attacks, and it initiates remediation to quarantine infected machines before an attack can spread; and

WHEREAS, Palo Alto Panorama Centralized Management allows staff to monitor real-time threats against the City's network through using the current Palo Alto firewall; and

WHEREAS, Panorama provides centralized management and visibility of the five Palo Alto Network firewalls being implemented across the City network, allowing City I.T. staff to gain insight into applications, users and content traversing the firewalls, and staff would be able to centrally perform analysis, reporting and forensics with the aggregated data; and

WHEREAS, the purchase of the appliance is done through a value added reseller (VAR) CDW-G, since Hewlett-Packard does not sell this product directly to customers; and

WHEREAS, in accordance with Lodi Municipal Code Section 3.20.077, the Information Technology Manager has the ability to acquire electronic hardware through negotiation, requests for proposal or competitive bids and award based on "best value" criteria. The Information Technology Manager has selected to utilize the negotiation method for acquiring the Cisco Email filtering service for the following reasons:

- IT manufacturers will work with one value-added reseller (VAR) when creating quotes for products for a single customer.
- Other VARs will not quote a product from the same manufacturer if a prior quote had already been created for a competing VAR for a single customer.

WHEREAS, staff recommends that the City Council authorize the City Manager to purchase Cortex XDR and Panorama Centralized Management by Palo Alto Networks from CDW-G in the amount of \$102,260.48.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to purchase Cortex XDR and Panorama Centralized Management by Palo Alto Networks from CDW-G in the amount of \$102,260.48.

Dated: April 15, 2020

=====

I hereby certify that Resolution No. 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020, by the following vote:

AYES: COUNCIL MEMBERS –  
NOES: COUNCIL MEMBERS –  
ABSENT: COUNCIL MEMBERS –  
ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk

2020-\_\_\_\_\_



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Adopt Resolution Approving Purchase of Hewlett-Packard Aruba ClearPass C2000 from CDW-G of Vernon Hills, Illinois (\$21,863.16)

**MEETING DATE:** April 15, 2020

**PREPARED BY:** Information Technology Manager

---

**RECOMMENDED ACTION:** Adopt resolution approving purchase of Hewlett-Packard Aruba ClearPass C2000 from CDW-G of Vernon Hills, Illinois in the amount of \$21.863.16.

**BACKGROUND INFORMATION:** As part of the City's efforts to replace aging network security infrastructure, a refresh of the City's network access control appliance is needed to maintain protection of the City's network from rogue devices. The City currently is using Hewlett-Packard Aruba ClearPass for identifying who and what connects to the City's network. ClearPass is an enterprise level security appliance used to automate the application of wired and wireless security policy. ClearPass policy enforcement ensures that only authorized and authenticated users and devices are allowed to connect to the City's network. The purchase of the appliance is done through a value added reseller (VAR) CDW-G, since Hewlett-Packard does not sell this product directly to customers. In accordance with Lodi Municipal Code Section 3.20.077, the Information Technology Manager has the ability to acquire electronic hardware through negotiation, requests for proposal or competitive bids and award based on "best value" criteria. The Information Technology Manager has selected to utilize the negotiation method for acquiring the Cisco Email filtering service for the following reasons:

- IT manufacturers will work with one value-added reseller (VAR) when creating quotes for products for a single customer.
- Other VARs will not quote a product from the same manufacturer if a prior quote had already been created for a competing VAR for a single customer.

**FISCAL IMPACT:** Funding for this project is included in the California state grant for cybersecurity.

**FUNDING AVAILABLE:** Three year license agreement: 21620400.77020

---

Benjamin Buecher  
Information Technology Manager

---

Andrew Keys  
Deputy City Manager

---

APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

# QUOTE CONFIRMATION



**DEAR MATT CASSON,**

Thank you for considering CDW•G for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
LJDJ848	3/27/2020	CLEARPASS	1348160	<b>\$21,863.16</b>

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
<a href="#">HPE Aruba ClearPass C2000 DL20 Gen9 HW-Based Appliance - security appliance</a> Mfg. Part#: JZ509A UNSPSC: 43222501 Contract: Standard Pricing	1	4907320	\$8,952.66	\$8,952.66
<a href="#">HPE Foundation Care Next Business Day Exchange Service - extended service a</a> Mfg. Part#: H9UQ2E UNSPSC: 81111811 Electronic distribution - NO MEDIA Contract: Standard Pricing	1	4999077	\$8,733.89	\$8,733.89
<a href="#">HPE Aruba - power supply - hot-plug / redundant - 900 Watt</a> Mfg. Part#: JX923A UNSPSC: 39121004 Contract: Standard Pricing	1	4594106	\$481.14	\$481.14
<a href="#">HPE Aruba power cable - 6 ft</a> Mfg. Part#: JW124A UNSPSC: 26121636 Contract: Standard Pricing	1	4360984	\$3.04	\$3.04
<a href="#">HP Foundation Care Next Business Day Service - extended service agreement -</a> Mfg. Part#: H7J32AC UNSPSC: 81111812 Virtual Appliance Renewal 4/1/2020 to 3/31/2021 Electronic distribution - NO MEDIA Contract: Standard Pricing	1	4765445	\$2,818.50	\$2,818.50

PURCHASER BILLING INFO	SUBTOTAL	\$20,989.23
<b>Billing Address:</b> CITY OF LODI ACCTS PAYABLE PO BOX 3006 LODI, CA 95241-1910 <b>Phone:</b> (209) 333-5538 <b>Payment Terms:</b> Net 30 Days-Govt State/Local	<b>SHIPPING</b>	\$95.40
	<b>SALES TAX</b>	\$778.53
	<b>GRAND TOTAL</b>	<b>\$21,863.16</b>
	<b>DELIVER TO</b>	
		<b>Please remit payments to:</b>

**Shipping Address:**

CITY OF LODI  
DANNY DUKE  
221 W PINE ST  
LODI, CA 95240-2089

**Shipping Method:** DROP SHIP-GROUND

CDW Government  
75 Remittance Drive  
Suite 1515  
Chicago, IL 60675-1515

Need Assistance? CDW•G SALES CONTACT INFORMATION



Brian Clouser

(866) 339-4119

briaclo@cdwg.com

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at <http://www.cdwg.com/content/terms-conditions/product-sales.aspx>  
For more information, contact a CDW account manager

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RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY  
MANAGER TO PURCHASE HEWLETT-PACKARD ARUBA CLEARPASS  
C2000 FROM CDW-G OF VERNON HILLS, ILLINOIS

WHEREAS, as part of the City's efforts to replace aging network security infrastructure, a refresh to the City's network access control appliance is needed to maintain protection of the City's network from rogue devices; and

WHEREAS, the City is currently using Hewlett-Packard Aruba ClearPass for identifying who and what connects to the City's network; and

WHEREAS, Clearpass is an enterprise level security appliance used to automate the application of wired and wireless security policy, and

WHEREAS, Clearpass policy enforcement ensures that only authorized and authenticated users and devices are allowed to connect to the City's network; and

WHEREAS, the purchase of the appliance is done through a value added reseller (VAR) CDW-G, since Hewlett-Packard does not sell this product directly to customers; and

WHEREAS, in accordance with Lodi Municipal Code Section 3.20.077, the Information Technology Manager has the ability to acquire electronic hardware through negotiation, requests for proposal, or competitive bids and award based on "best value" criteria; and

WHEREAS, the Information Technology Manager has selected to utilize the negotiation method for acquiring the Cisco Email filtering service for the following reasons:

- IT manufacturers will work with one value-added reseller (VAR) when creating quotes for products for a single customer.
- Other VARs will not quote a product from the same manufacturer if a prior quote had already been created for a competing VAR for a single customer.

WHEREAS, staff recommends that the City Council authorize the City Manager to purchase Hewlett-Packard Aruba ClearPass C2000 from CDW-G in the amount of \$21,863.16.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to purchase Hewlett-Packard Aruba ClearPass C2000 from CDW-G in the amount of \$21,863.16.

Dated: April 15, 2020

I hereby certify that Resolution No. 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk

2020-\_\_\_\_\_



TM

## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Awarding Contract for Well 27 Granular Activated Carbon Filter System to Diede Construction, Inc., of Woodbridge (\$1,063,900), Authorizing City Manager to Execute Change Orders (\$54,000), and Appropriating Funds (\$322,900)

**MEETING DATE:** April 15, 2020

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution awarding contract for Well 27 Granular Activated Carbon Filter System to Diede Construction, Inc., of Woodbridge, in the amount of \$1,063,900, authorizing City Manager to execute change orders in an amount not to exceed \$54,000, and appropriating funds in the amount of \$322,900.

**BACKGROUND INFORMATION:** In 2018, after the January sample for Well 27 indicated the presence of the regulated chemical known as 1,2,3-trichloropropane (1,2,3-TCP) the well was taken out of service. This project is needed for the well to meet State drinking water standards and return to service.

For decades, Granular Activated Carbon (GAC) has been utilized at several well sites within the City to adsorb dibromochloropropane (DBCP). The State Water Resources Control Board has identified GAC as a best available technology for removing 1,2,3-TCP contamination from drinking water.

This project consists of furnishing and installing a GAC treatment system for Well 27, located at 2160 West Century Boulevard (intersection of Heavenly Way and West Century Boulevard), as shown on Exhibit A. The base bid includes furnishing and installing a GAC filter system, complete with four low profile tanks, concrete pad, required on-site piping and valving, including approximately 200 linear feet of 10-inch water pipe, 100 linear feet of eight-inch water pipe, and 60 linear feet of eight-inch wastewater pipe, and other incidental and related work

The price for supplying carbon media was addressed as alternate bid items for either 100 percent virgin coal-based carbon media produced in the United States; 100 percent virgin coal-based carbon media produced outside the United States; or 100 percent virgin coconut media. After reviewing bid results, City staff recommends using 100 percent virgin coal-based carbon media produced in the United States for its high and long-lasting performance, based on past City experiences and comfort level as a quality product.

This site has always been anticipated to need a GAC treatment system. As a courtesy, staff recently sent a letter to neighboring home owners advising of the site impacts associated with the proposed project. A rendering was also provided, reflecting the low profile vessels and proposed landscaping.

APPROVED: \_\_\_\_\_

Stephen Schwabauer, City Manager

The plans and specifications for this project were approved on February 19, 2020. The City received the following four bids for this project on March 18, 2020:

<b>Bidder (Location)</b>	<b>Base Bid</b>	<b>Alt. Bid*</b>	<b>Above/(Below) Engineer's Base Est.</b>
Engineer's Estimate	\$1,243,000.00	\$184,000.00	
Diede Construction, Inc. (Woodbridge)	\$ 891,100.00	\$172,800.00	(\$351,900.00)
Aztec Consultants (San Ramon)	\$ 956,600.00	\$184,800.00	(\$286,400.00)
TNT Industrial Contrs. Inc. (Sacramento)	\$ 995,310.00	\$156,000.00	(\$247,690.00)
Smith Construction Co. (Fresno)	\$1,333,331.00	\$169,600.00	\$ 90,331.00

\*Alternate bid price reflects costs for 100 percent virgin carbon produced in United States.

Staff recommends awarding contract for Well 27 Granular Activated Carbon Filter System to Diede Construction, Inc., of Woodbridge, in the amount of \$1,063,900, authorizing City Manager to execute change orders in an amount not to exceed \$54,000, and appropriating funds in the amount of \$322,900.

**FISCAL IMPACT:** Annual operation and maintenance costs for the water utility will increase as a result of Well 27 being placed back into service and the addition of the GAC treatment system.

**FUNDING AVAILABLE:**

Fiscal Year 2019/20 Budget:	
Water Capital Fund (56199000.77020)	\$820,000
Requested Appropriation:	
Water Capital Fund (56199000.77020)	\$322,900

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Andrew Keys  
 Deputy City Manager/Internal Services Director

---

Charles E. Swimley, Jr.  
 Public Works Director

Prepared by Jimi Billigmeier, Associate Civil Engineer  
 CES/JB/tc  
 Attachments

cc: Andrew Richle, Utilities Superintendent  
 Travis Kahrs, Water Plant Superintendent





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CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the CITY OF LODI, State of California, herein referred to as the "City," and DIEDE CONSTRUCTION, INC., a California corporation, herein referred to as the "Contractor."

**WITNESSETH:**

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete Contract consists of the following documents which are incorporated herein by this reference, to-wit:

Notice Inviting Bids	The July 1992 Edition,
Information to Bidders	Standard Specifications,
General Provisions	State of California,
Special Provisions	Business and Transportation Agency,
Bid Proposal	Department of Transportation
Contract	
Contract Bonds	
Plans	

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

**ARTICLE I** - That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the City and under the condition expressed in the two bonds bearing even date with these presents and hereunto annexed, the Contractor agrees with the City, at Contractor's cost and expense, to do all the work and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to construct and complete in a good workmanlike and substantial manner and to the satisfaction of the City the proposed improvements as shown and described in the Contract Documents which are hereby made a part of the Contract.

**ARTICLE II** - The City hereby promises and agrees with the Contractor to employ, and does hereby employ, the Contractor to provide all materials and services not supplied by the City and to do the work according to the terms and conditions for the price herein, and hereby contracts to pay the same as set forth in Section 5.600, "Measurement, Acceptance and Payment," of the General Provisions, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

**ARTICLE III** - The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the

general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

**ARTICLE IV** - And the Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Plans and Contract Documents and the requirements of the Engineer under them, to-wit:

Perform the work necessary to design, furnish and install one Granular Activated Carbon Filter System (GACFS) consisting of two (2) sets of two lead-lag GACFS treatment trains, for a total of four (4) - 20,000 pound vessels, with all required on-site piping, valving, Granular Activated Carbon (GAC) media, appurtenances, interconnections with existing systems, structural components, and other incidental and related work, all as shown on the plans and specifications for the above project.

See Section 6-07 "Description of Bid Items" and Drawing No. 019D017 for additional information.

**CONTRACT ITEMS**

**Base Bid**

Item	Description	Unit	Qty	Unit Price	Total
1	Mobilization and Temporary Facilities	LS	1	\$ 42,400.00	\$ 42,400.00
2	Civil Site Work	LS	1	\$ 170,100.00	\$ 170,100.00
3	Furnish and Install Chain Link Gate	LS	1	\$ 14,400.00	\$ 14,400.00
4	Furnish GAC Filter System	LS	1	\$ 636,000.00	\$ 636,000.00
5	Install GAC Filter System	LS	1	\$ 16,200.00	\$ 16,200.00
6	Install GAC Media	LBS	80,000	\$ 0.15	\$ 12,000.00
A-1	Furnish GAC Media 100% Virgin Domestic	LBS	80,000	\$ 2.16	\$172,800.00

**TOTAL \$1,063,900.00**

**Refer to Section 6-143 MEDIA - GRANULAR ACTIVATED CARBON (GAC) for additional submittal requirements.**

**ARTICLE V** - By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in

accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE VI - It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE VII - The City is to furnish the necessary rights-of-way and easements and to establish lines and grades for the work as specified under the Special Provisions. All labor or materials not mentioned specifically as being done by the City will be supplied by the Contractor to accomplish the work as outlined in the specifications.

ARTICLE VIII - The Contractor agrees to commence work pursuant to this contract within either **240 CALENDAR DAYS** or **30 CALENDAR DAYS AFTER DELIVERY OF THE GAC FILTER SYSTEM TO THE WELL SITE, WHICHEVER EVENT OCCURS FIRST.**

ARTICLE IX - State of California Senate Bill 854 requires the following:

- No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- No contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.
- This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE TIME OF COMPLETION FOR THIS CONTRACT IS REASONABLE AND THE CONTRACTOR AGREES TO PAY THE CITY LIQUIDATED DAMAGES AS SET FORTH IN SECTION 6-04.03 OF THE SPECIAL PROVISIONS. CONTRACTOR AGREES THAT THIS AMOUNT MAY BE DEDUCTED FROM THE AMOUNT DUE THE CONTRACTOR UNDER THE CONTRACT.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date written below.

CONTRACTOR:

CITY OF LODI, a municipal corporation

\_\_\_\_\_

By: \_\_\_\_\_  
STEPHEN SCHWABAUER  
City Manager

By: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Title

Attest:

\_\_\_\_\_  
PAMELA M. FARRIS  
Assistant City Clerk

(CORPORATE SEAL)

Approved As To Form:

\_\_\_\_\_  
JANICE D. MAGDICH  
City Attorney *JM for JF*

RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING  
CONTRACT FOR WELL 27 GRANULAR ACTIVATED CARBON  
FILTER SYSTEM TO DIEDE CONSTRUCTION, INC., OF  
WOODBIDGE, AUTHORIZING CITY MANAGER TO EXECUTE  
CHANGE ORDERS, AND APPROPRIATING FUNDS

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on March 18, 2020, at 11:00 a.m., for Well 27 Granular Activated Carbon Filter System, described in the plans and specifications therefore approved by the City Council on February 19, 2020; and

WHEREAS, said bids have been checked and tabulated and a report thereof filed with the City Manager as follows:

<b>Bidder (Location)</b>	<b>Base Bid</b>	<b>Alt. Bid*</b>	<b>Above/(Below) Engineer's Base Est.</b>
Engineer's Estimate	\$1,243,000.00	\$184,000.00	
Diède Construction, Inc. (Woodbridge)	\$ 891,100.00	\$172,800.00	(\$351,900.00)
Aztec Consultants (San Ramon)	\$ 956,600.00	\$184,800.00	(\$286,400.00)
TNT Industrial Contrs. Inc. (Sacramento)	\$ 995,310.00	\$156,000.00	(\$247,690.00)
Smith Construction Co. (Fresno)	\$1,333,331.00	\$169,600.00	\$ 90,331.00

\*Alternate bid price reflects costs for 100 percent virgin carbon produced in United States.

WHEREAS, staff recommends that the City Council award the contract for Well 27 Granular Activated Carbon Filter System to Diède Construction, Inc., of Woodbridge, in the amount of \$1,063,900; and

WHEREAS, staff also recommends that the City Council authorize the City Manager to execute change orders in an amount not to exceed \$54,000; and

WHEREAS, staff further recommends that the City Council appropriate funds in the amount of \$322,900, from the fund balance of Water Capital Fund (56199000.77020) for Fiscal Year 2019/20.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the contract for Well 27 Granular Activated Carbon Filter System to Diède Construction, Inc., of Woodbridge, in the amount of \$1,063,900; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize City Manager to execute change orders in an amount not to exceed \$54,000; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize an appropriation for Well 27 Granular Activated Carbon Filter System, in the amount of \$322,900, as set forth above; and

BE IT FURTHER RESOLVED, pursuant to Section 6.3q of the City Council Protocol Manual (adopted 11/6/19, Resolution No. 2019-223), the City Attorney is hereby authorized to

make minor revisions to the above-referenced document(s) that do not alter the compensation or term, and to make clerical corrections as necessary.

Dated: April 15, 2020

=====

I hereby certify that Resolution No. 2020-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk

2020-\_\_\_\_



# CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Adopt Resolution Approving 2020/2021 Pavement Resurface Project for Road Repair and Accountability Act of 2017 Funding (\$1,330,000)

**MEETING DATE:** April 15, 2020

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution approving 2020/2021 Pavement Resurface Project for Road Repair and Accountability Act of 2017 funding, in the amount of \$1,330,000.

**BACKGROUND INFORMATION:** The Road Repair and Accountability Act of 2017, Senate Bill 1 (SB1), will provide the City with State transportation funding through an increase in the Gas Tax.

SB1 guidelines require that prior to receiving an apportionment of funds for this fiscal year, agencies must prepare and submit a list of proposed SB1-funded projects to the California Transportation Commission. All proposed projects must also be included or amended into the City's adopted budget each year. The City is proposing to use the Fiscal Year 2020/21, and the balance of previous year apportionment, for the 2020/2021 Pavement Resurface Project.

The 2020/2021 Pavement Resurfacing Project, programmed for Fiscal Year 2020/21, includes pavement repairs and installing rubberized cape seal and slurry seal on various streets, as shown on Exhibit A. The pavement resurfacing will prevent further deterioration of the streets before they have structural damage. The work will also include pavement repair, pavement striping, and other miscellaneous and related work.

Staff will later request Council action to approve plans and specifications and authorize advertisement for bids and to award the contract, once the plans, specifications, and estimates are complete. The preliminary project estimate is \$1,330,000.

The pavement repair project will include pavement repair and rubberized cape seal and slurry seal, and will extend the pavement life for five to 10 years. The work will be on portions of Central, Garfield, Hutchins Frontage, Lee, Locust, Oak, Pleasant, Railroad, Stevens, Vine, Virginia, Stevens, and Walnut, and will be performed from July 2020 through June 2021.

Staff recommends approving 2020/2021 Pavement Resurface Project for Road Repair and Accountability Act of 2017 funding, in the amount of \$1,330,000.

**FISCAL IMPACT:** Not applicable.

APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

**FUNDING AVAILABLE:** Funding will be budgeted in Fiscal Year 2020/21 Road Repair and Accountability Act (30499000.77020).

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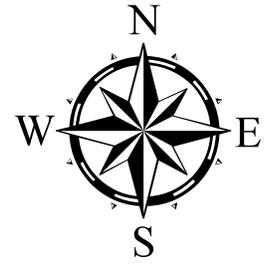
Charles E. Swimley, Jr.  
Public Works Director

CES/LC/tc  
Attachment

cc: Senior Civil Engineer  
Public Works Management Analyst

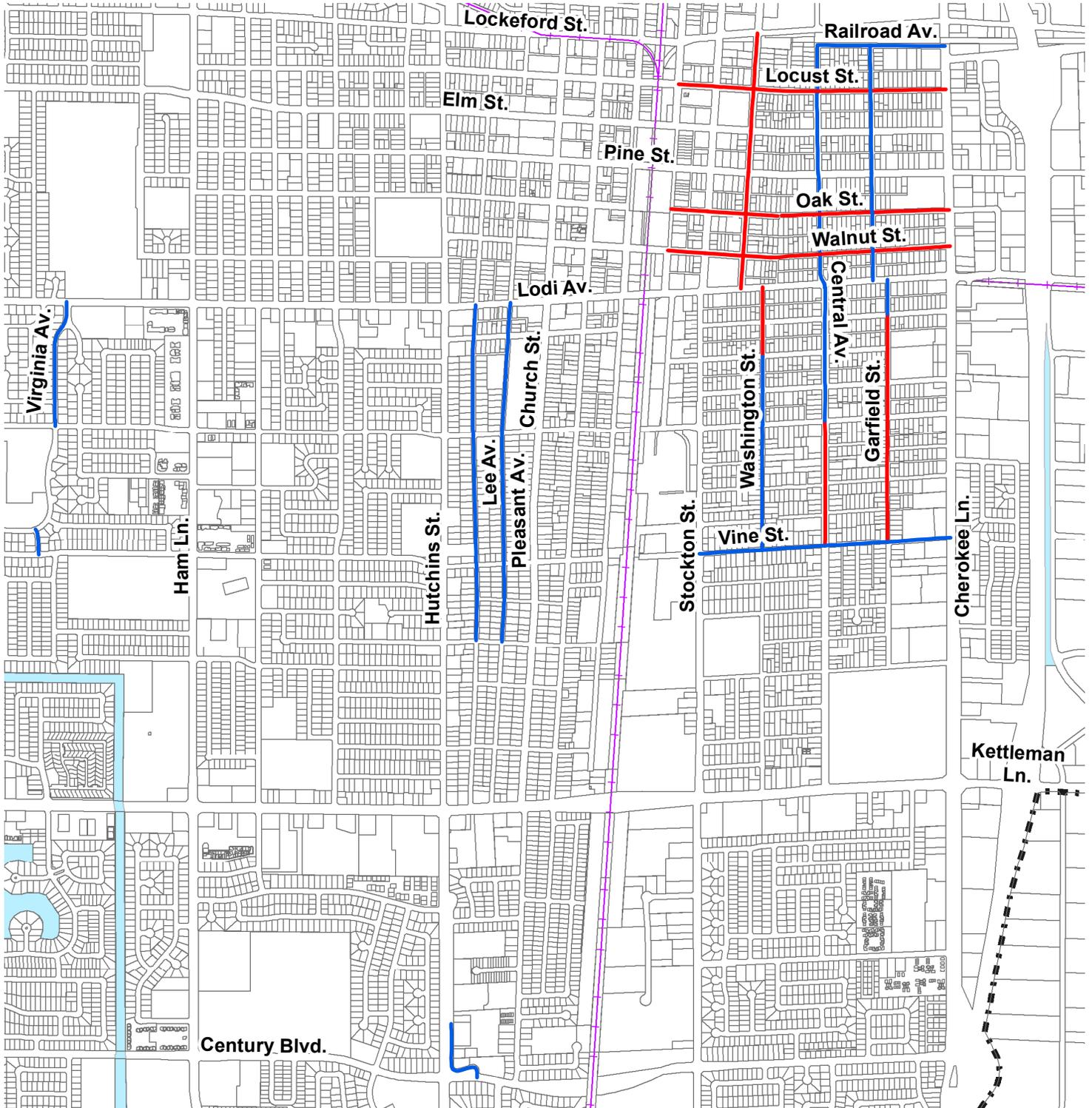
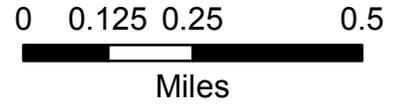


# Exhibit A Project Locations



## Legend

- Cape Seal
- Slurry Seal



RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING 2020/2021 PAVEMENT RESURFACE  
PROJECT FOR ROAD REPAIR AND  
ACCOUNTABILITY ACT OF 2017 FUNDING

=====

WHEREAS, the Road Repair and Accountability Act of 2017, Senate Bill 1 (SB1), will provide the City with State transportation funding through an increase in the Gas Tax; and

WHEREAS, SB1 guidelines require that prior to receiving an apportionment of funds for this fiscal year, agencies must prepare and submit a list of proposed SB1-funded projects to the California Transportation Commission; and

WHEREAS, the 2020/2021 Pavement Resurfacing Project, programmed for Fiscal Year 2020/21, includes pavement repairs and installing rubberized cape seal and slurry seal on various streets; and

WHEREAS, staff recommends approving the 2020/2021 Pavement Resurface Project for Road Repair and Accountability Act of 2017 funding, in the amount of \$1,330,000.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the 2020/2021 Pavement Resurface Project for Road Repair and Accountability Act of 2017 funding, in the amount of \$1,330,000; and

BE IT FURTHER RESOLVED, pursuant to Section 6.3q of the City Council Protocol Manual (Res. No. 2019-223), the City Attorney is hereby authorized to make minor revisions to the above-referenced document(s) that do not alter the compensation or term, and to make clerical corrections as necessary.

Dated: April 15, 2020

=====

I hereby certify that Resolution No. 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk



TM

# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Authorizing City Manager to Execute Agreements Related to the CalTrans Bridge Raising Project along Highway 99, at Lockeford Street and Victor Road

**MEETING DATE:** April 15, 2020

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution authorizing City Manager to execute agreements related to the CalTrans bridge raising project along Highway 99, at Lockeford Street and Victor Road.

**BACKGROUND INFORMATION:** For the past few years CalTrans has been working with the City on utility relocations associated with their bridge raising project along Highway 99, at Lockeford Street and Victor Road. The primary impact to the City is related to an existing water main that is physically attached on the bridge structure. The project proposes to relocate the existing water main with the project. There will be no long term impact to the City's water system. Because the City originally had a water main in that location since the 1940s, Caltrans will be paying for all costs associated with the relocation.

Per the requirements of Caltrans, a relocation agreement is required to be executed prior to the beginning of the project, even if the City is not paying for the relocation. Caltrans expects the project to go out to bid within the next month and begin in summer or fall. The general project location is shown in Exhibit A.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

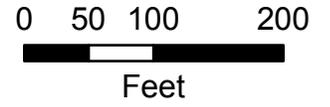
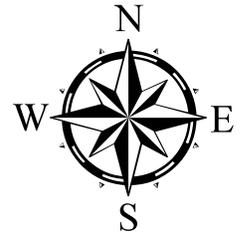
\_\_\_\_\_  
Charles E. Swimley, Jr.  
Public Works Director

Prepared by Sean Nathan, Senior Civil Engineer  
CES/SN/tc  
Attachment

**APPROVED:** \_\_\_\_\_  
Stephen Schwabauer, City Manager

# Exhibit A

## Caltran's Bridge Raising Project Location Exhibit



RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AUTHORIZING THE CITY MANAGER TO EXECUTE  
AGREEMENTS RELATED TO THE CALTRANS  
BRIDGE RAISING PROJECT ALONG HIGHWAY 99, AT  
LOCKEFORD STREET AND VICTOR ROAD

=====

WHEREAS, for the past few years CalTrans has been working with the City on utility relocations associated with their bridge raising project along Highway 99, at Lockeford Street and Victor Road; and

WHEREAS, the project proposes to relocate the existing water main with the project; and

WHEREAS, there will be no long term impact to the City's water system; and

WHEREAS, staff recommends authorizing the City Manager to execute agreements related to the CalTrans bridge raising project along Highway 99, at Lockeford Street and Victor Road.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby authorizes the City Manager to execute agreements on behalf of the City of Lodi related to the CalTrans bridge raising project along Highway 99, at Lockeford Street and Victor Road; and

BE IT FURTHER RESOLVED, pursuant to Section 6.3q of the City Council Protocol Manual (Res. No. 2019-223), the City Attorney is hereby authorized to make minor revisions to the above-referenced document(s) that do not alter the compensation or term, and to make clerical corrections as necessary.

Dated: April 15, 2020

=====

I hereby certify that Resolution No. 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk



TM

# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Authorizing Dedication of Street Right-of-Way along Kettleman Lane, at 2800 West Kettleman Lane, to Caltrans, for Street Improvements Purposes

**MEETING DATE:** April 15, 2020

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution authorizing dedication of street right-of-way along Kettleman Lane, at 2800 West Kettleman Lane, to Caltrans, for street improvement purposes.

**BACKGROUND INFORMATION:** Gateway North Subdivision, Unit No. 2, is the second phase of the multi-phase residential development located west of Westgate Drive and south of Kettleman Lane, as shown on Exhibit A. Unit No. 2 consists of 107 single-family, residential lots.

The Developer, Blossom Land Company, is required to widen Kettleman Lane, from Westgate Drive to its westerly project boundary, as part of the tentative map condition of the Gateway North subdivision development. A portion of the Kettleman Lane widening is along the City-owned parcel located at 2800 West Kettleman Lane. The street widening requires the dedication of the street right-of-way to Caltrans, as shown on Exhibit B.

Staff recommends authorizing dedication of street right-of-way along Kettleman Lane, at 2800 West Kettleman Lane, to Caltrans, for street improvement purposes.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

\_\_\_\_\_  
Charles E. Swimley, Jr.  
Public Works Director

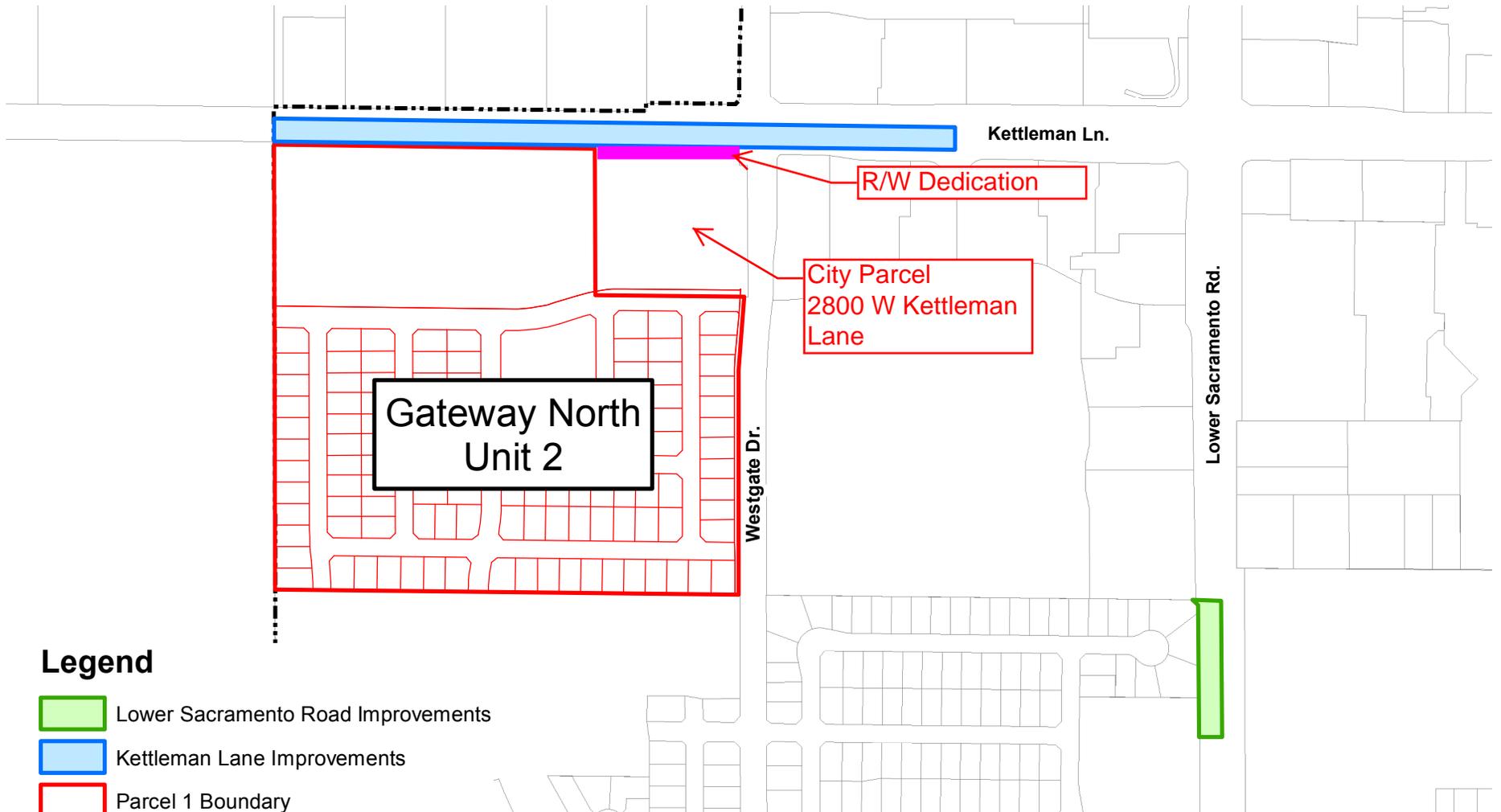
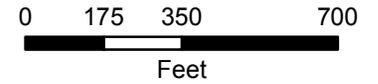
Prepared by Lyman Chang, City Engineer/Deputy Public Works Director  
CES/LC/tc  
Attachments

cc: City Attorney Magdich  
City Engineer / Deputy Public Works Director Chang  
Assistant Civil Engineer Kiriu  
Senior Engineering Technician Wiman  
Blossom Land Company  
MCR Engineering  
George Chen, Caltrans

**APPROVED:** \_\_\_\_\_  
Stephen Schwabauer, City Manager



# Exhibit A Gateway North, Unit 2 Vicinity Map



## Legend

-  Lower Sacramento Road Improvements
-  Kettleman Lane Improvements
-  Parcel 1 Boundary

## EXHIBIT B

### LEGAL DESCRIPTION CALTRANS RIGHT-OF-WAY DEDICATION ACROSS CITY PARCEL

A portion of the parcel of land deeded to the City of Lodi as described in that certain Grant Deed recorded August 12, 2003, in Document No. 2003-181033, San Joaquin County Records, hereinafter referred to as the City Parcel, situate in the City of Lodi, San Joaquin County, State of California, lying within the north half of the northwest quarter of Section 15, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, being more particularly described as follows:

BEGINNING at northwest corner of said City Parcel, also being a point on the south right-of-way line of State Highway Route 12 – Kettleman Lane, said point being 75.00 feet south (measured at right angles) of the North line of said Section 15; thence along said north line, South 89°21'52" East, 405.50 feet to the northwest corner of the parcel of land deeded to the State of California recorded September 4, 2007, in Document No. 2007-156632, San Joaquin County Records, hereinafter referred to as the State Parcel; thence along the west line of said State Parcel, South 00°09'23" East, 50.00 feet; thence leaving said west line the following four (4) courses: (1) North 89°21'52" West, 4.01 feet; (2) North 00°08'51" West, 9.08 feet; (3) North 44°45'21" West, 5.28 feet; and (4) North 89°21'20" West, 397.78 feet to the west line of said City Parcel; thence along said west line, North 00°09'23" West, 37.14 feet to the POINT OF BEGINNING.

A plat (Exhibit "B") showing the above described area is attached hereto and made a part thereof.

Containing 0.35 acre, more or less.

The Basis of Bearings for this description is the west line of Section 15, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, bears North 00°10'41" West, as depicted on that certain map filed for record in Book 26 of Parcel Maps, Page 38, San Joaquin County Records. Bearings, distances and coordinates are based on NAD83 California Coordinate System, Zone III (CCS83). All distances are ground level distances and must be multiplied by 0.99995210 to obtain grid distances.

END OF DESCRIPTION

Dated: 3.2.2020



NORTH LINE OF SECTION 15  
 STATE HIGHWAY ROUTE 12 - KETTLEMAN LANE

S89°21'52"E

75'

POINT OF BEGINNING

405.50'

N89°21'20"W

397.78'

S89°21'52"E

CONTAINS 0.35 ACRE,  
 MORE OR LESS

5.28'  
 N44°45'21"W

9.08'  
 N00°08'51"W

4.01'  
 N89°21'52"W

N00°09'23"W  
 37.14'

50.00'  
 S00°09'23"E

D.N. 2007-156632  
 STATE OF CALIFORNIA

WESTGATE DRIVE



SCALE: 1"=50'

BASIS OF BEARINGS:

THE WEST LINE OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN, BEARS NORTH 00°10'41" WEST, AS DEPICTED ON THAT CERTAIN MAP FILED FOR RECORD IN BOOK 26 OF PARCEL MAPS, PAGE 38, SAN JOAQUIN COUNTY RECORDS, BEARINGS, DISTANCES AND COORDINATES ARE BASED ON THE NAD83 CALIFORNIA COORDINATE SYSTEM, ZONE II (CCS83). ALL DISTANCES ARE GROUND LEVEL DISTANCES AND MUST BE MULTIPLIED BY 0.999995210 TO OBTAIN GRID DISTANCES.



D.N. 2003-181033  
 CITY OF LODI

27-RS-102

D.N. 2018-126437  
 BLOSSOM LAND COMPANY

MCR ENGINEERING, INC.  
 1242 DUPONT COURT  
 MANTECA, CA 95336  
 TEL: (209) 239-6229  
 FAX: (209) 239-8839



EXHIBIT "B"  
 VARIABLE-WIDTH RIGHT-OF-WAY OFFERED FOR  
 DEDICATION TO CALTRANS CALIFORNIA  
 LODI,

BY: DFB  
 DATE: 12/04/19  
 SHEET: 1 OF 1  
 FILE: 17-039 CALTRANS ROW.dwg

RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING  
DEDICATION OF STREET RIGHT-OF-WAY ALONG KETTLEMAN  
LANE AT 2800 WEST KETTLEMAN LANE, TO CALTRANS, FOR  
STREET IMPROVEMENT PURPOSES

=====

WHEREAS, Gateway North Subdivision, Unit No. 2, is the second phase of the multi-phase residential development located west of Westgate Drive and south of Kettleman Lane; and

WHEREAS, the Developer, Blossom Land Company, is required to widen Kettleman Lane, from Westgate Drive to its westerly project boundary, as part of the tentative map condition of the Gateway North subdivision development; and

WHEREAS, a portion of the Kettleman Lane widening is along the City-owned parcel located at 2800 West Kettleman Lane; and

WHEREAS, the street widening requires the dedication of the street right-of-way to Caltrans; and

WHEREAS, staff recommends authorizing the dedication of street right-of-way along Kettleman Lane, at 2800 West Kettleman Lane, to Caltrans, for street improvement purposes.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the dedication of street right-of-way along Kettleman Lane, at 2800 West Kettleman Lane, to Caltrans, for street improvement purposes; and

BE IT FURTHER RESOLVED, pursuant to Section 6.3q of the City Council Protocol Manual (Res. No. 2019-223), the City Attorney is hereby authorized to make minor revisions to the above-referenced document(s) that do not alter the compensation or term, and to make clerical corrections as necessary.

Dated: April 15, 2020

=====

I hereby certify that Resolution No. 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk

2020-\_\_\_\_\_



TM

# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Amending Traffic Resolution No. 97-148, by Approving 40 Miles-Per-Hour Speed Limit on Harney Lane, from Ham Lane to Hutchins Street, Hutchins Street to Stockton Street, Stockton Street to the East City Limits; and Pine Street, from Guild Avenue to the East City Limits

**MEETING DATE:** April 15, 2020

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution amending Traffic Resolution No. 97-148, by approving 40 miles-per-hour speed limit on Harney Lane, from Ham Lane to Hutchins Street, Hutchins Street to Stockton Street, Stockton Street to the East City Limits; and Pine Street, from Guild Avenue to the East City Limits.

**BACKGROUND INFORMATION:** Staff recently reviewed Engineering and Traffic Surveys (ETS) on the following six streets: Elm Street, Harney Lane, Hutchins Street, Lodi Avenue, Pine Street, and Tokay Street. Based on the State-mandated requirements, staff is recommending decreasing the existing speed limit from 45 miles per hour (MPH) to 40 MPH on Harney Lane, from Ham Lane to the East City Limits, and on Pine Street, from Guild Avenue to the East City Limits. No changes are recommended on the other streets.

The ETS includes three primary factors when establishing posted speed limits: prevailing speeds, accident rates, and unexpected conditions. Other characteristics, such as residential density, pedestrian and bicycle safety, and roadway design speed, are also considered.

The Police Department staff concurs with staff's recommendations. As shown in the Harney Lane and Pine Street ETS (Exhibit A), the recommended posted speed limit is based on the prevailing speeds (85<sup>th</sup> percentile speeds) and accident rate similar to the Citywide average rate. All the updated ETS are on file in the Public Works Department.

**FISCAL IMPACT:** Normal maintenance only.

APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

**FUNDING AVAILABLE:** Funding for the sign and legend installation/removal is from the Street Maintenance Account (30156002), totaling approximately \$1,500.

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Andrew Keys  
Deputy City Manager/Internal Services Director

---

Charles E. Swimley, Jr.  
Public Works Director

Prepared by Lyman Chang, City Engineer  
CES/LC/tc  
Attachment

cc: City Attorney  
Utility Superintendent  
Police Chief

Deputy Public Works Director/City Engineer  
Engineering Technician, Mangrich  
Police Sgt., Versteeg

April 2020

SPEED ZONE REPORT - Harney Lane, West City Limits to East City Limits

- REFERENCE - Speed zone surveys are performed in the City of Lodi following the California MUTCD in accordance with Section 40802 (b) of the California Vehicle Code.
- STUDY CRITERIA - Important factors to consider in determining the speed limit which is most appropriate to facilitate the orderly movement of traffic and that is reasonably safe are:

Prevailing Speeds (85th Percentile Speeds) - Reasonable speed limits conform to the actual behavior of the majority of motorists, and by measuring motorists' speeds, one will be able to select a speed limit that is both reasonable and effective. Speed limits should normally be established at the nearest five mile per hour (mph) increment to the 85th percentile speed. However, in matching existing conditions with the traffic safety needs of the community, engineering judgment may indicate the need for a further reduction of five mph.

Accidents - Accident records for two recent years were considered in determining the speed zones. Accidents on segments of roadways are classified by their accident rate. Accident rates are determined by the number of accidents occurring within a segment of roadway and the traffic volume within that segment. Accident rates are shown in accidents per million vehicle miles (ACC/MVM). The average Citywide accident rate is 2.9 ACC/MVM.

Unexpected Conditions – When roadside development results in traffic conflicts and unusual conditions which are not readily apparent to drivers, speed limits below the 85th percentile may be justified.

The following factors were considered: residential density, pedestrian & bicycle safety, roadway design speed, safe stopping sight distance, superelevation, shoulder conditions, profile condition, intersection spacing and offsets, commercial driveway characteristics and pedestrian traffic in the roadway without sidewalks.

- STUDY RESULT  
Eight radar surveys were performed and the 85th percentile speeds ranged from 37 to 50 mph, as shown below:

<u>Segment</u>	<u>Eastbound</u>	<u>Westbound</u>
West City Limits to Lower Sacramento Rd	N/A	N/A
980' West of Legacy Wy to Ham Lane	50 mph	49 mph
Ham Lane to Hutchins Street	47 mph	46 mph
Hutchins Street to Stockton Street	42 mph	43 mph
Stockton Street to East City Limits	37 mph	40 mph

West City Limits to Lower Sacramento Road

This portion of Harney Lane is a short (660') isolated segment surrounded by portions under San Joaquin County's jurisdiction. Due to its short length and close proximity to the signalized intersection at Lower Sacramento Road, it is not possible to obtain the measurement of vehicle speeds needed to establish an enforceable

speed limit. The County jurisdiction just west of this area is not radar enforceable. Therefore, until the County is able to determine an enforceable speed limit, this portion of Harney Lane will remain posted at an unenforceable 25 mile per hour speed limit.

980' West of Legacy Way to Ham Lane

The 85<sup>th</sup> percentile speeds on this segment are 49 mph and 50 mph. The 50th percentile speeds are 44 mph and 48 mph. The accident rate of 0.9 is below the citywide average and below the 1.1 rate from the 2013. Based on the prevailing speeds, bicycle safety, and continuing low accident rate, we recommend retaining the 45 mph speed limit on this segment.

Ham Lane to Hutchins Street

The 85th percentile speeds on this segment are 46 and 47 mph. The 50th percentile speeds are 41 and 43 mph. The accident rate of 3.3 is above the citywide average and higher than the 0.5 rate from the 2013 survey. Based on the 85<sup>th</sup> percentile speeds, the speed limit could be set at 40 mph or 45 mph. Based on residential density, bicycle safety, and the above average accident rate, we recommend lowering the speed limit to 40 mph on this segment.

Hutchins Street to Stockton Street

The 85th percentile speeds on this segment are 42 mph and 43 mph. The 50th percentile speed is 37 mph. The accident rate of 0.5 is below the citywide average and lower than the 2.2 rate from the 2013 survey. Based on the continuing low accident rate, bicycle safety, and the Union Pacific Railroad overpass and sight distance, we recommend lowering the speed limit to 40 mph on this segment.

Stockton Street to East City Limits

The 85th percentile speed on this segment ranged from 37 to 40 mph. The 50th percentile speeds are 33 mph and 36 mph. The accident rates are 1.5 and 1.1 ACC/MVM, below the citywide average and higher than the 0.7 and 0.5 rates from the 2013 survey. The roadway design for this segment of Harney Lane was based on a 45 mph design speed. Based on the speeds, continuing low accident rate and roadway design speed, we recommend lowering the speed limit to 40 mph on this segment.

o CONCLUSION

The recommended speed limits are shown below:

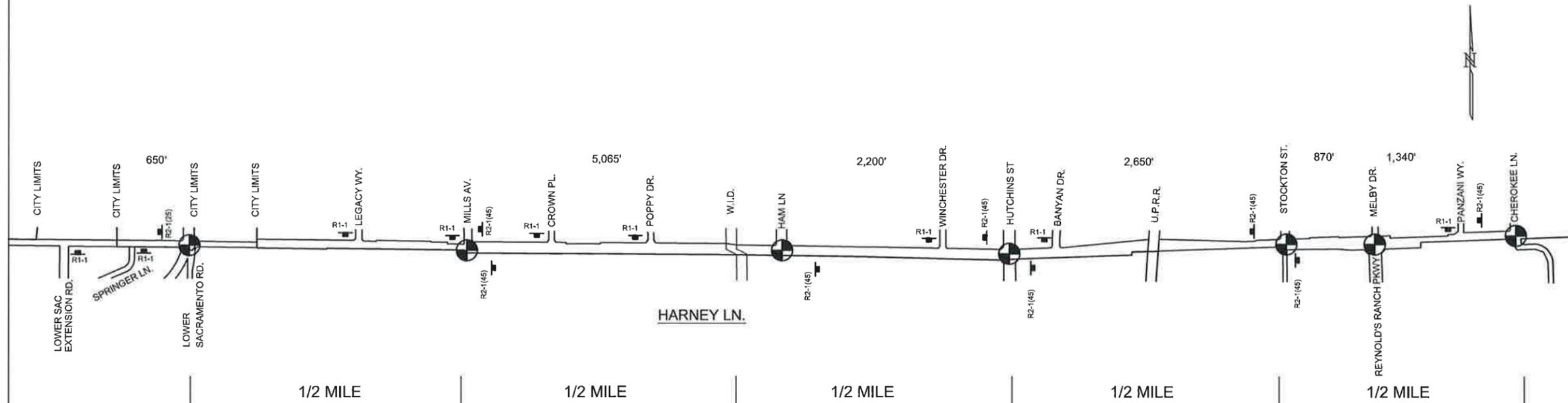
<u>Street Segment</u>	<u>Posted Speed Limit</u>
West City Limits to Lower Sacramento Road	25 mph (unenforceable)
980' West of Legacy Way to Ham Lane	45 mph (no change)
Ham Lane to Hutchins Street	40 mph (from 45 mph)
Hutchins Street to Stockton Street	40 mph (from 45 mph)
Stockton Street to East City Limits	40 mph (from 45 mph)



Lyman Chang  
City Engineer

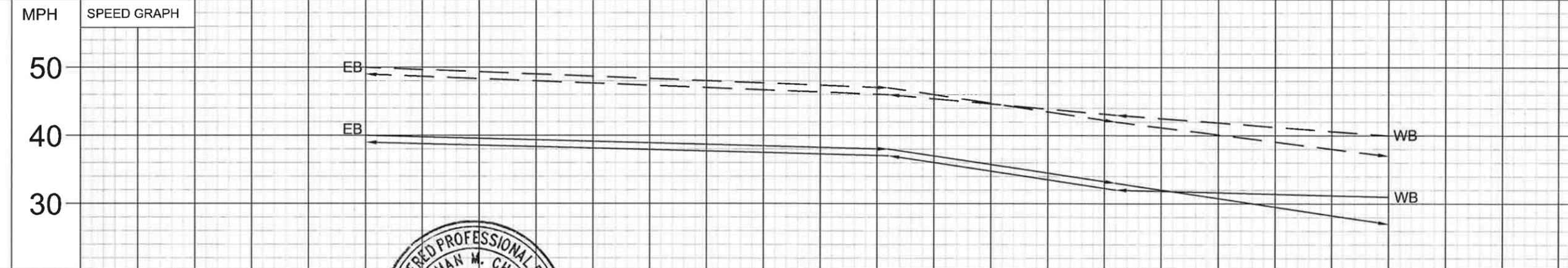
# ENGINEERING AND TRAFFIC SURVEY

SEE NARRATIVE FOR  
BACKGROUND INFORMATION



SPEED TABLE													
ROADWAY WIDTH	County	23'	County	50'	40'	28'-50'	60'-78'						
NO. OF LANES	County	2	County	2+TWLTL+Bike Ln	2+TWLTL	4 + Bike Lns	2-4+Med						
MEDIAN (TYPE)	County	None	County	NONE									
TRAFFIC SIGNAL DATA		8 Ø Act		3 Ø Act	3 Ø Act	8 Ø Act	6 Ø Act	6 Ø Act	3 Ø Act				
AVERAGE DAILY TRAFFIC				11,320	15,710	23,930	22,440	19,917					
OBS. SPEED-CRITICAL,85th%	EB			50	47	42	37						
	WB			49	46	43	40						
-PACE(%)	EB			40-49 (69)	38-47 (80)	33-42 (75)	27-36 (75)						
	WB			39-48 (72)	37-46 (71)	32-41 (59)	31-40 (77)						
-MEDIAN,50th%	EB			48	43	37	33						
	WB			44	41	37	36						
EXISTING SPEED ZONE	25(County)		45(County)	45 MPH	45 MPH	45 MPH	45 MPH	45 (County)					
PROPOSED SPEED ZONE	25(County)	25(Not Enforceable)	45(County)	45 MPH	40 MPH	40 MPH	40 MPH	45 (County)					

- LEGEND:**
- SIGN LOCATION
  - R1-1 -STOP SIGN
  - R2-1( ) -SPEED LIMIT SIGN (MPH)
  - R1-2 -YIELD SIGN
  - C -ASSEMBLY C (SCHOOL 25 MPH SIGN)
  - W1-X -CURVE WARNING SIGN
  - W13-1( ) -CURVE ADVISORY SPEED
  - TRAFFIC SIGNAL
  - CITY LIMIT
  - CRITICAL SPEED
  - LOWER LIMIT OF PACE



ACCIDENT PLOT	YR: 2018	1	1	4	1	5	1	1	1	1	1	1	1
	YR: 2019	1	3	4	1	1	1	1	1	1	1	1	1
ACCIDENT RATE - ACC. / MILL. VEH. - MI.		0.9	3.3	0.5	1.5	1.1							

DR:	TM	No.	Date	Revision	Appr
CH:	LC	1	5/13	Signal Activated at Ham Lane	
		2	2/18	Signal Activated at Mills Avenue	
DATE:	APRIL 2020				

REGISTERED PROFESSIONAL ENGINEER  
LYMAN W. CHANG  
C.53149  
CIVIL  
STATE OF CALIFORNIA  
City Engineer  
PE C53149  
Date 3/31/2020

**CITY OF LODI**  
PUBLIC WORKS DEPARTMENT

**HARNEY LN.**  
West City Limits to East City Limits

**SPEED ZONE SURVEY**

SPEED ZONE REPORT - Pine Street, Ham Lane to East City Limits

- REFERENCE - Speed zone surveys are performed in the City of Lodi following the Federal Highway Administration MUTCD and MUTCD California Supplement in accordance with Section 40802 (b) of the California Vehicle Code.
- STUDY CRITERIA - Important factors to consider in determining the speed limit which is most appropriate to facilitate the orderly movement of traffic and that is reasonably safe are:

Prevailing Speeds (85th Percentile Speeds) - Reasonable speed limits conform to the actual behavior of the majority of motorists, and by measuring motorists' speeds, one will be able to select a speed limit that is both reasonable and effective. Speed limits should normally be established at the nearest five mile per hour (mph) increment to the 85th percentile speed. However, in matching existing conditions with the traffic safety needs of the community, engineering judgment may indicate the need for a further reduction of five mph.

Accidents - Accident records for two recent years were considered in determining the speed zones. Accidents on segments of roadways are classified by their accident rate. Accident rates are determined by the number of accidents occurring within a segment of roadway and the traffic volume within that segment. Accident rates are shown in accidents per million vehicle miles (ACC/MVM). The average Citywide accident rate is 2.9 ACC/MVM.

Unexpected Conditions – Highway, traffic, and roadside conditions not readily apparent to the driver were considered. When roadside development results in traffic conflicts and unusual conditions which are not readily apparent to drivers, speed limits below the 85th percentile may be justified.

Other Factors - The following factors were considered: residential density, pedestrian & bicycle safety, roadway design speed, safe stopping sight distance, superelevation, shoulder conditions, profile condition, intersection spacing and offsets, commercial driveway characteristics and pedestrian traffic in the roadway without sidewalks.

- STUDY RESULTS  
Sixteen radar surveys were performed and the 85th percentile speeds ranged from 30 to 43 mph as shown below:

<u>Street Segment</u>	<u>Eastbound</u>	<u>Westbound</u>
Ham Lane to Hutchins Street	34 mph	35 mph
Hutchins Street to Church Street	32 mph	33 mph
Church Street to Stockton Street	30 mph	31 mph
Stockton Street to Central Avenue	32 mph	33 mph
Central Avenue to Cherokee Lane	33 mph	33 mph
Cherokee Lane to Beckman Road	32 mph	34 mph
Beckman Road to Guild Avenue	38 mph	38 mph
Guild Avenue to East City Limits	39 mph	43 mph

Ham Lane to Hutchins Street

The 85th percentile speeds on this segment are 34 and 35 mph. The 50th percentile speed is 30 mph. The accident rate of 18.7 in this segment is higher than the citywide average and higher than the 4.4 rate from the 2013 survey. Based on 85th percentile speeds, high accident rate and residential density, we recommend retaining the 30 mph speed limit in this segment.

Hutchins Street to Church Street

The 85th percentile speeds on this segment are 32 and 33 mph. The 50th percentile speed is 28 mph. The accident rate of 14.0 in this segment is higher than the citywide average and the 0.0 rate from the 2013 survey. Based on 85th percentile speeds, high accident rate and residential density, we recommend retaining the 30 mph speed limit in this segment.

Church Street to Stockton Street

This portion of Pine Street consists of three segments. The only segment long enough to survey vehicle speeds is the portion from Sacramento Street to Stockton Street. The 85th percentile speeds on this segment are 30 mph and 31 mph. The 50th percentile speeds are 26 and 27 mph. The highest accident rate of 14.6 in these segments is higher than the Citywide average and higher than the 0.0 to 4.7 rate from the 2013 survey. Based solely on the 85th percentile speeds the speed limit could be set at 25 mph. Due to the high accident rate and bicycle safety, we recommend retaining the 25 mph speed limit in this segment.

Stockton Street to Central Avenue

The 85th percentile speeds on this segment are 32 mph and 33 mph. The 50th percentile speeds are 28 and 29 mph. The accident rate of 13.5 in this segment is higher than the citywide average and the 2.9 from the 2013 survey. Based the 85<sup>th</sup> percentile speed and high accident rate, we recommend retaining the 30 mph speed limit in this segment.

Central Avenue to Cherokee Lane

The 85th percentile speed on this segment is 33 mph. The 50th percentile speed is 29 mph. The accident rate of 8.1 in this segment is higher than the citywide average but higher than the 5.9 rate from the 2013 survey. Based on the 85th percentile speeds, high accident rate and residential density, we recommend retaining the 30 mph speed limit in this segment.

Cherokee Lane to Beckman Road

The 85th percentile speeds on this segment are 32 and 34 mph. The 50th percentile speeds are 30 mph and 32 mph. The accident rate 1.9 in this segment is lower than the citywide average rate and higher than the 0.0 rate from the 2013 survey. Based solely on the 85th percentile speeds, the speed limit could be set at 25 mph or 30 mph; however, due to the accident rate at the current speed limit and it being a residential area, we recommend retaining the 25 mph speed limit in this segment.

Beckman Road to Guild Avenue

The 85th percentile speed on this segment is 38 mph. The 50th percentile speeds are 33 mph and 34 mph. The accident rate of 6.5 in this segment is higher than the citywide average and the 4.3 rate from the 2013 survey. Based on the 85th percentile speeds and the high accident rate, we recommend retaining the 35 mph speed limit in this segment.

Guild Avenue to East City Limits

The 85th percentile speeds on this segment are 39 mph and 43 mph. The 50th percentile speeds are 35 mph and 38 mph. There have been no reported accidents occurring in this segment. Based solely on the 85<sup>th</sup> percentile speeds, the speed limit could be set at 40 mph or 45 mph; however, given the absence of accidents and the speed limit west of Guild Avenue being 35 mph, we recommend lowering the speed limit to 40 mph on this segment.

o CONCLUSION

The recommended speed limits are shown below:

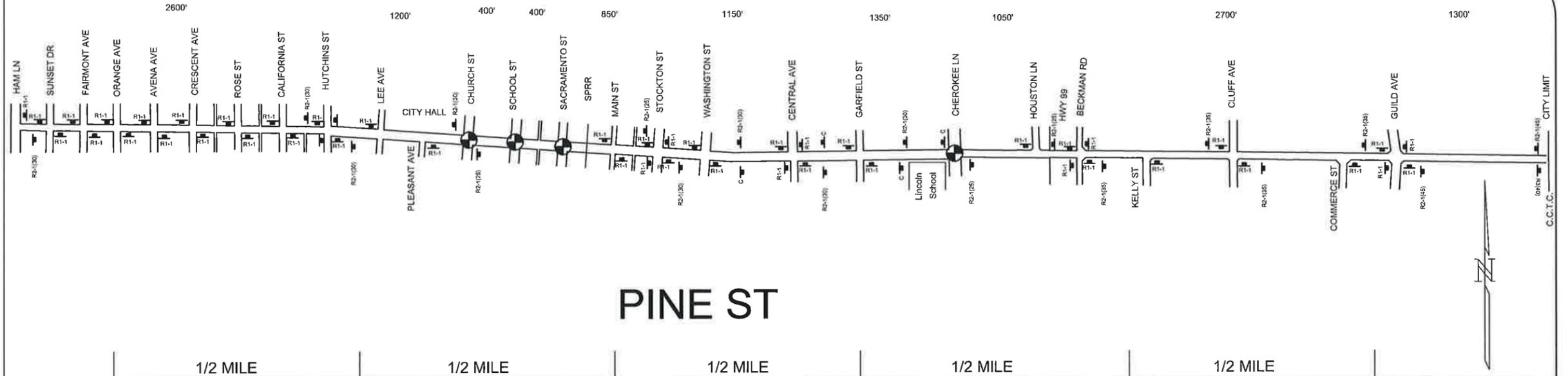
<u>SEGMENT</u>	<u>POSTED SPEED LIMIT</u>
Ham Lane to Hutchins Street	30 mph (no change)
Hutchins Street to Church Street	30 mph (no change)
Church Street to Stockton Street	25 mph (no change)
Stockton Street to Central Avenue	30 mph (no change)
Central Avenue to Cherokee Lane	30 mph (no change)
Cherokee Lane to Beckman Road	25 mph (no change)
Beckman Road to Guild Avenue	35 mph (no change)
Guild Avenue to East City Limits	40 mph (from 45 mph)



Lyman Chang  
City Engineer

# ENGINEERING AND TRAFFIC SURVEY

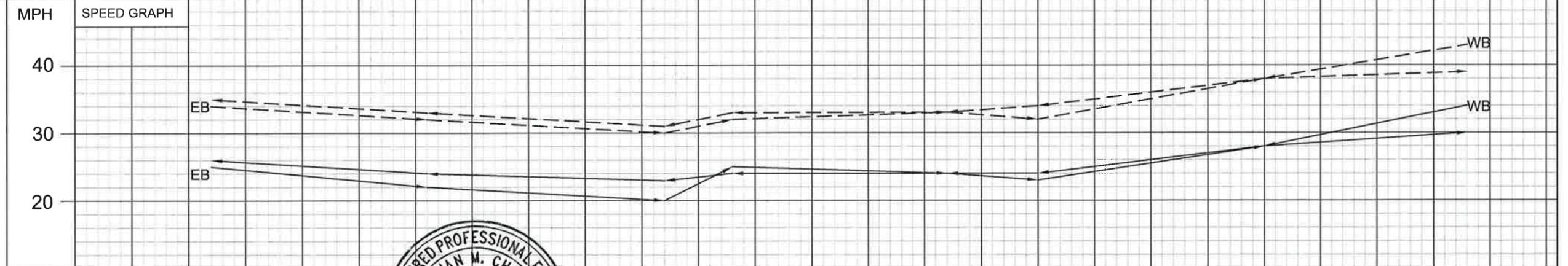
SEE NARRATIVE FOR  
BACKGROUND INFORMATION



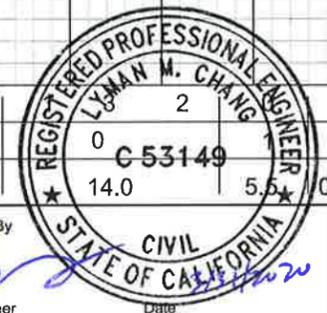
## PINE ST

SPEED TABLE													
ROADWAY WIDTH		40'		50'		56'		52'					
NO. OF LANES		2											
MEDIAN (TYPE)		NONE											
TRAFFIC SIGNAL DATA		2ØACT 2ØSEMI(2)					2ØACT						
AVERAGE DAILY TRAFFIC		1,490	2,580	(3,290)	4,070	5,135	5,280	3,540	2,460	1,490			
OBS. SPEED-CRITICAL,85th%	EB	34	32	30	32	33	32	38	39				
	WB	35	33	31	33	33	34	38	43				
-PACE(%)	EB	25-34 (74)	22-31 (79)	20-29 (79)	25-34 (86)	24-32 (82)	23-32 (82)	28-37 (79)	30-39 (78)				
	WB	26-35 (68)	24-33 (69)	23-32 (80)	24-33 (79)	24-33 (83)	24-33 (73)	28-37 (74)	34-43 (67)				
-MEDIAN,50th%	EB	30	28	26	28	29	32	34	35				
	WB	30	28	27	29	29	30	33	38				
EXISTING SPEED ZONE		30 MPH		25 MPH		30 MPH		25 MPH		35 MPH		45 MPH	
PROPOSED SPEED ZONE		30 MPH		25 MPH		30 MPH		25 MPH		35 MPH		40 MPH	

- LEGEND:**
- SIGN LOCATION
  - R1-1 -STOP SIGN
  - R2-1() -SPEED LIMIT SIGN (MPH)
  - R1-2 -YIELD SIGN
  - C -ASSEMBLY C (SCHOOL 25 MPH SIGN)
  - W1-X -CURVE WARNING SIGN
  - W13-1() -CURVE ADVISORY SPEED
  - ROUNDBABOUT
  - TRAFFIC SIGNAL
  - CITY LIMIT
  - CRITICAL SPEED
  - LOWER LIMIT OF PACE



ACCIDENT PLOT	YR:	2018	2	1	2	0	2	4	1	2	2	0	1	3	0
	YR:	2019	1	1	1	2	0	3	2	1	5	3	1	1	1
ACCIDENT RATE - ACC. / MILL. VEH. - MI.			18.7			0.0	14.6	13.5	8.1	1.9	6.5	0.0			



**CITY OF LODI**  
PUBLIC WORKS DEPARTMENT

**PINE ST**  
Ham Ln to East City Limits

**SPEED ZONE SURVEY**

DR: TM	No.	Date	Revision	Appr	Approved By
CH: LC					<i>[Signature]</i>
DATE: APRIL 2020					City Engineer PE C53149

RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AMENDING  
TRAFFIC RESOLUTION NO. 97-148, BY APPROVING  
40 MILES-PER-HOUR SPEED LIMIT ON HARNEY LANE, FROM  
HAM LANE TO HUTCHINS STREET, HUTCHINS STREET TO  
STOCKTON STREET, STOCKTON STREET TO THE EAST CITY  
LIMITS; AND PINE STREET, FROM GUILD AVENUE TO THE  
EAST CITY LIMITS

=====

WHEREAS, staff recently reviewed Engineering and Traffic Surveys (ETS) on the following six streets: Elm Street, Harney Lane, Hutchins Street, Lodi Avenue, Pine Street, and Tokay Street; and

WHEREAS, the ETS includes three primary factors when establishing posted speed limits: prevailing speeds, accident rates, and unexpected conditions. Other characteristics, such as residential density, pedestrian and bicycle safety, and roadway design speed, are also considered; and

WHEREAS, staff recommends amending Traffic Resolution No. 97-148, by approving a 40 miles-per-hour speed limit on Harney Lane, from Ham Lane to Hutchins Street, Hutchins Street to Stockton Street, Stockton Street to the East City Limits; and Pine Street, from Guild Avenue to the East City Limits.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby amend Traffic Resolution No. 97-148, by approving a 40 miles-per-hour speed limit on Harney Lane, from Ham Lane to Hutchins Street, Hutchins Street to Stockton Street, Stockton Street to the East City Limits; and Pine Street, from Guild Avenue to the East City Limits; and

Dated: April 15, 2020

=====

I hereby certify that Resolution No. 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk

2020-\_\_\_\_\_



TM

## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Carollo Engineers, Inc., of Walnut Creek, for Progressive Design Build Construction Documents for White Slough Water Pollution Control Facility Solids Handling Equipment Procurement and Installation Project (\$162,500), and Appropriating Funds (\$162,500)

**MEETING DATE:** April 15, 2020

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution authorizing City Manager to execute Professional Services Agreement with Carollo Engineers, Inc., of Walnut Creek, for progressive design build construction documents for White Slough Water Pollution Control Facility Solids Handling Equipment Procurement and Installation Project, in the amount of \$162,500, and Appropriating Funds in the amount of \$162,500.

**BACKGROUND INFORMATION:** Biosolids are anaerobically digested, and then directed to a concrete-lined sludge stabilization lagoon at the City's White Slough Water Pollution Control Facility (WSWPCF). The biosolids from the digesters are dewatered to a solids content of about 12 percent and stockpiled in an enclosed facility. Biosolids are applied to approximately 700 acres of the City's agricultural fields.

Of this farmed area, approximately 225 acres receive biosolids on an annual basis. The biosolids application area is rotated throughout the agricultural fields from year to year. The agricultural fields are used to grow fodder and feed crops that are not used directly for human consumption. Crops grown on the City's agricultural properties include fodder crops such as corn, alfalfa, ryegrass, and wheat.

Recently, applied biosolids occasionally exceeded the vector attraction reduction rate because the volatile solids reduction requirement was not achieved in the anaerobic digestion process. This primarily resulted from operational challenges associated with the current biosolids dewatering system which translates into a downstream lack of digester capacity to adequately treat solids loading from the treatment plant processes.

The proposed Solids Handling Equipment Procurement and Installation Project is intended to improve solids treatment processes. The proposed Professional Services Agreement includes construction documents for the procurement and installation of a new dewatering screw press and ancillary equipment; and sludge mixing system improvements in Digester No. 3 utilizing the progressive design build procurement method. The combination of these improvements will provide increased volatile solids reduction and insure compliance with the vector attraction reduction rate.

Staff recommends authorizing City Manager to execute Professional Services Agreement with Carollo Engineers, Inc., of Walnut Creek, for progressive design build construction documents for White Slough Water Pollution Control Facility Solids Handling Equipment Procurement and Installation Project, in the amount of \$162,500, and Appropriating Funds in the amount of \$162,500.

APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

**FISCAL IMPACT:** Implementing this project will improve the solids handling process at WSWPCF and mitigate potential regulatory enforcement actions against the City associated with exceeding the vector attraction reduction rate. This project does not impact the General Fund.

**FUNDING AVAILABLE:** Appropriation Request:  
Wastewater Capital (53199000.77020) - \$162,500

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Andrew Keys  
Deputy City Manager/Internal Services Director

---

Charles E. Swimley, Jr.  
Public Works Director

CES/CES/tc  
Attachment

# **AGREEMENT FOR PROFESSIONAL SERVICES**

## **ARTICLE 1 PARTIES AND PURPOSE**

### **Section 1.1 Parties**

THIS AGREEMENT is entered into on \_\_\_\_\_, 2020, by and between the CITY OF LODI, a municipal corporation (hereinafter "CITY"), and CAROLLO ENGINEERS, INC., a Delaware corporation, qualified to do business in California (hereinafter "CONTRACTOR").

### **Section 1.2 Purpose**

CITY selected the CONTRACTOR to provide the services required in accordance with attached Scope of Services, Exhibit A, attached and incorporated by this reference.

CITY wishes to enter into an agreement with CONTRACTOR for solids handling equipment and installation assistance services (hereinafter "Project") as set forth in the Scope of Services attached here as Exhibit A. CONTRACTOR acknowledges that it is qualified to provide such services to CITY.

## **ARTICLE 2 SCOPE OF SERVICES**

### **Section 2.1 Scope of Services**

CONTRACTOR, for the benefit and at the direction of CITY, shall perform the Scope of Services as set forth in Exhibit A.

### **Section 2.2 Time For Commencement and Completion of Work**

CONTRACTOR shall commence work pursuant to this Agreement, upon receipt of a written notice to proceed from CITY or on the date set forth in Section 2.6, whichever occurs first, and shall perform all services diligently and complete work under this Agreement based on a mutually agreed upon timeline or as otherwise designated in the Scope of Services.

CONTRACTOR shall submit to CITY such reports, diagrams, drawings and other work products as may be designated in the Scope of Services.

CONTRACTOR shall not be responsible for delays caused by the failure of CITY staff to provide required data or review documents within the appropriate time frames. The review time by CITY and any other agencies involved in the project shall not be counted against CONTRACTOR's contract performance period. Also, any delays due to weather, vandalism, acts of God, etc., shall not be counted. CONTRACTOR shall

remain in contact with reviewing agencies and make all efforts to review and return all comments.

**Section 2.3 Meetings**

CONTRACTOR shall attend meetings as may be set forth in the Scope of Services.

**Section 2.4 Staffing**

CONTRACTOR acknowledges that CITY has relied on CONTRACTOR's capabilities and on the qualifications of CONTRACTOR's principals and staff as identified in its proposal to CITY. The Scope of Services shall be performed by CONTRACTOR, unless agreed to otherwise by CITY in writing. CITY shall be notified by CONTRACTOR of any change of Project Manager and CITY is granted the right of approval of all original, additional and replacement personnel at CITY's sole discretion and shall be notified by CONTRACTOR of any changes of CONTRACTOR's project staff prior to any change.

CONTRACTOR represents it is prepared to and can perform all services within the Scope of Services (Exhibit A) and is prepared to and can perform all services specified therein. CONTRACTOR represents that it has, or will have at the time this Agreement is executed, all licenses, permits, qualifications, insurance and approvals of whatsoever nature are legally required for CONTRACTOR to practice its profession, and that CONTRACTOR shall, at its own cost and expense, keep in effect during the life of this Agreement all such licenses, permits, qualifications, insurance and approvals, and shall indemnify, defend and hold harmless CITY against any costs associated with such licenses, permits, qualifications, insurance and approvals which may be imposed against CITY under this Agreement.

**Section 2.5 Subcontracts**

Unless prior written approval of CITY is obtained, CONTRACTOR shall not enter into any subcontract with any other party for purposes of providing any work or services covered by this Agreement.

**Section 2.6 Term**

The term of this Agreement commences on April 1, 2020 and terminates upon the completion of the Scope of Services or on September 30, 2021, whichever occurs first.

**Section 2.7 Option to Extend Term of Agreement**

At its option, City may extend the terms of this Agreement for an additional one (1) one (1)-year extension; provided, City gives Contractor no less than thirty (30) days written notice of its intent prior to expiration of the existing term. In the event City

exercises any option under this paragraph, all other terms and conditions of this Agreement continue and remain in full force and effect.

The total duration of this Agreement, including the exercise of any option under this paragraph, shall not exceed two (2) years and six (6) months, for a total of thirty (30) months.

### **ARTICLE 3** **COMPENSATION**

#### **Section 3.1 Compensation**

CONTRACTOR's compensation for all work under this Agreement shall conform to the provisions of the Fee Proposal, attached hereto as Exhibit B and incorporated by this reference.

CONTRACTOR shall not undertake any work beyond the scope of this Agreement unless such additional work is approved in advance and in writing by CITY.

#### **Section 3.2 Method of Payment**

CONTRACTOR shall submit invoices for completed work on a monthly basis, or as otherwise agreed, providing, without limitation, details as to amount of hours, individual performing said work, hourly rate, and indicating to what aspect of the Scope of Services said work is attributable. CONTRACTOR's compensation for all work under this Agreement shall not exceed the amount of the Fee Proposal.

#### **Section 3.3 Costs**

The Fee Proposal shall include all reimbursable costs required for the performance of the Scope of Services. Payment of additional reimbursable costs considered to be over and above those inherent in the original Scope of Services shall be approved in advanced and in writing, by CITY.

#### **Section 3.4 Auditing**

CITY reserves the right to periodically audit all charges made by CONTRACTOR to CITY for services under this Agreement. Upon request, CONTRACTOR agrees to furnish CITY, or a designated representative, with necessary information and assistance needed to conduct such an audit.

CONTRACTOR agrees that CITY or its delegate will have the right to review, obtain and copy all records pertaining to performance of this Agreement. CONTRACTOR agrees to provide CITY or its delegate with any relevant information requested and shall permit CITY or its delegate access to its premises, upon reasonable notice, during normal business hours for the purpose of interviewing employees and inspecting and copying such books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose of determining compliance with

this requirement. CONTRACTOR further agrees to maintain such records for a period of three (3) years after final payment under this Agreement.

## **ARTICLE 4** **MISCELLANEOUS PROVISIONS**

### **Section 4.1 Nondiscrimination**

In performing services under this Agreement, CONTRACTOR shall not discriminate in the employment of its employees or in the engagement of any sub CONTRACTOR on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, age, or any other criteria prohibited by law.

### **Section 4.2 ADA Compliance**

In performing services under this Agreement, CONTRACTOR shall comply with the Americans with Disabilities Act (ADA) of 1990, and all amendments thereto, as well as all applicable regulations and guidelines issued pursuant to the ADA.

### **Section 4.3 Indemnification and Responsibility for Damage**

CONTRACTOR to the fullest extent permitted by law, shall indemnify and hold harmless CITY, its elected and appointed officials, directors, officers, employees and volunteers from and against any claims, damages, losses, and expenses (including reasonable attorney's fees and costs), arising out of performance of the services to be performed under this Agreement, provided that any such claim, damage, loss, or expense is caused by the negligent acts, errors or omissions of CONTRACTOR, any subcontractor employed directly by CONTRACTOR, anyone directly or indirectly employed by any of them, or anyone for whose acts they may be liable, except those injuries or damages arising out of the active negligence, sole negligence, or sole willful misconduct of the City of Lodi, its elected and appointed officials, directors, officers, employees and volunteers. CITY may, at its election, conduct the defense or participate in the defense of any claim related in any way to this indemnification. If CITY chooses at its own election to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification, CONTRACTOR shall pay all of the costs related thereto, including without limitation reasonable attorney fees and costs. The defense and indemnification obligations required by this Agreement are undertaken in addition to, and shall not in any way be limited by the insurance obligations set forth herein.

### **Section 4.4 No Personal Liability**

Neither the City Council, nor any other officer or authorized assistant or agent or City employee shall be personally responsible for any liability arising under this Agreement.

**Section 4.5 Responsibility of CITY**

CITY shall not be held responsible for the care or protection of any material or parts of the work described in the Scope of Services prior to final acceptance by CITY, except as expressly provided herein.

**Section 4.6 Insurance Requirements for CONTRACTOR**

CONTRACTOR shall take out and maintain during the life of this Agreement, insurance coverage as set forth in Exhibit C attached hereto and incorporated by this reference.

**Section 4.7 Successors and Assigns**

CITY and CONTRACTOR each bind themselves, their partners, successors, assigns, and legal representatives to this Agreement without the written consent of the others. CONTRACTOR shall not assign or transfer any interest in this Agreement without the prior written consent of CITY. Consent to any such transfer shall be at the sole discretion of CITY.

**Section 4.8 Notices**

Any notice required to be given by the terms of this Agreement shall be in writing signed by an authorized representative of the sender and shall be deemed to have been given when the same is personally served or upon receipt by express or overnight delivery, postage prepaid, or three (3) days from the time of mailing if sent by first class or certified mail, postage prepaid, addressed to the respective parties as follows:

To CITY:                      City of Lodi  
   221 West Pine Street  
   P.O. Box 3006  
   Lodi, CA 95241-1910  
   Attn: Charlie Swimley

To CONTRACTOR:      Carollo Engineers, Inc.  
   2795 Mitchell Drive  
   Walnut Creek, CA 94598  
   Attn: Larry Parlin

**Section 4.9 Cooperation of CITY**

CITY shall cooperate fully and in a timely manner in providing relevant information it has at its disposal relevant to the Scope of Services.

**Section 4.10 CONTRACTOR is Not an Employee of CITY**

CONTRACTOR agrees that in undertaking the duties to be performed under this Agreement, it shall act as an independent contractor for and on behalf of CITY and not an employee of CITY. CITY shall not direct the work and means for accomplishment of the services and work to be performed hereunder. CITY, however, retains the right to

require that work performed by CONTRACTOR meet specific standards without regard to the manner and means of accomplishment thereof.

**Section 4.11 Termination**

CITY may terminate this Agreement, with or without cause, by giving CONTRACTOR at least ten (10) days written notice. Where phases are anticipated within the Scope of Services, at which an intermediate decision is required concerning whether to proceed further, CITY may terminate at the conclusion of any such phase. Upon termination, CONTRACTOR shall be entitled to payment as set forth in the attached Exhibit B to the extent that the work has been performed. Upon termination, CONTRACTOR shall immediately suspend all work on the Project and deliver any documents or work in progress to CITY. However, CITY shall assume no liability for costs, expenses or lost profits resulting from services not completed or for contracts entered into by CONTRACTOR with third parties in reliance upon this Agreement.

**Section 4.12 Confidentiality**

CONTRACTOR agrees to maintain confidentiality of all work and work products produced under this Agreement, except to the extent otherwise required by law or permitted in writing by CITY. CITY agrees to maintain confidentiality of any documents owned by CONTRACTOR and clearly marked by CONTRACTOR as "Confidential" or "Proprietary", except to the extent otherwise required by law or permitted in writing by CONTRACTOR. CONTRACTOR acknowledges that CITY is subject to the California Public Records Act.

**Section 4.13 Applicable Law, Jurisdiction, Severability, and Attorney's Fees**

This Agreement shall be governed by the laws of the State of California. Jurisdiction of litigation arising from this Agreement shall be venued with the San Joaquin County Superior Court. If any part of this Agreement is found to conflict with applicable laws, such part shall be inoperative, null, and void insofar as it is in conflict with said laws, but the remainder of this Agreement shall be in force and effect. In the event any dispute between the parties arises under or regarding this Agreement, the prevailing party in any litigation of the dispute shall be entitled to reasonable attorney's fees from the party who does not prevail as determined by the San Joaquin County Superior Court.

**Section 4.14 City Business License Requirement**

CONTRACTOR acknowledges that Lodi Municipal Code Section 3.01.020 requires CONTRACTOR to have a city business license and CONTRACTOR agrees to secure such license and pay the appropriate fees prior to performing any work hereunder.

**Section 4.15 Captions**

The captions of the sections and subsections of this Agreement are for convenience only and shall not be deemed to be relevant in resolving any question or interpretation or intent hereunder.

**Section 4.16 Integration and Modification**

This Agreement represents the entire understanding of CITY and CONTRACTOR as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may not be modified or altered except in writing, signed by both parties.

**Section 4.17 Contract Terms Prevail**

All exhibits and this Agreement are intended to be construed as a single document. Should any inconsistency occur between the specific terms of this Agreement and the attached exhibits, the terms of this Agreement shall prevail.

**Section 4.18 Severability**

The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

**Section 4.19 Ownership of Documents**

All documents, photographs, reports, analyses, audits, computer media, or other material documents or data, and working papers, whether or not in final form, which have been obtained or prepared under this Agreement, shall be deemed the property of CITY. Upon CITY's request, CONTRACTOR shall allow CITY to inspect all such documents during CONTRACTOR's regular business hours. Upon termination or completion of services under this Agreement, all information collected, work product and documents shall be delivered by CONTRACTOR to CITY within ten (10) calendar days.

CITY agrees to indemnify, defend and hold CONTRACTOR harmless from any liability resulting from CITY's use of such documents for any purpose other than the purpose for which they were intended.

**Section 4.20 Authority**

The undersigned hereby represent and warrant that they are authorized by the parties to execute this Agreement.

**Section 4.21 Federal Transit Funding Conditions**

If the box at left is checked, the Federal Transit Funding conditions attached as Exhibit D apply to this Agreement. In the event of a conflict between the terms of this Agreement or any of its other exhibits, and the Federal Transit Funding Conditions, the Federal Transit Funding Conditions will control.

**IN WITNESS WHEREOF, CITY and CONTRACTOR have executed this Agreement as of the date first above written.**

CITY OF LODI, a municipal corporation

ATTEST:

\_\_\_\_\_  
PAMELA M. FARRIS  
Assistant City Clerk

\_\_\_\_\_  
STEPHEN SCHWABAUER  
City Manager

APPROVED AS TO FORM:  
JANICE D. MAGDICH, City Attorney

CAROLLO ENGINEERS, INC., a California corporation

By: \_\_\_\_\_  


By: \_\_\_\_\_  
Name: LARRY PARLIN  
Title: Senior Vice President

- Attachments:**  
**Exhibit A – Scope of Services**  
**Exhibit B – Fee Proposal**  
**Exhibit C – Insurance Requirements**  
**Exhibit D – Federal Transit Funding Conditions (if applicable)**

**Funding Source: 53199000.77020**  
**(Business Unit & Account No.)**

Doc ID:K:\WP\PROJECTS\PSA's\2020\Carollo Solid Handling PSA.doc

CA:Rev.01.2015



March 3, 2020

Charles Swimley  
City of Lodi  
221 W. Pine Street  
Lodi, CA 95240

Subject: Proposal for Solids Handling Equipment Procurement and Installation Assistance Services

Dear Mr. Swimley:

We propose the following scope of work for services to be completed at the request of the City of Lodi (City).

### **SCOPE OF SERVICES**

CONSULTANT shall assist the City with the procurement and installation of a new dewatering screw press and ancillary equipment, and Digester No.3 pump mixing system improvements. Improvements will be obtained through a progressive design-build delivery approach, based on a guaranteed maximum price. CONSULTANT's role on project shall include identification of appropriate equipment meeting City's needs, development of appropriate design criteria and preliminary process flow diagrams, and development of appropriate procurement documents. All detailed design shall be completed by the successful design build contractor.

#### **TASK 1 - PROJECT DEVELOPMENT**

##### **1.1 - Prepare Procurement Guidance Document**

CONSULTANT will prepare a guidance document for the project including the proposed project equipment design criteria, performance specifications, and simple process flow diagram drawings. Qualified Equipment Suppliers and Contractors will be identified in the guidance document that meet City procurement requirements.

#### **TASK 2 - REQUEST FOR PROPOSALS (RFP) PROCESS**

##### **2.1 - Develop Project Description and Request for Proposal Document**

CONSULTANT will develop a project description for inclusion in the Request for Proposals (RFP) document. CONSULTANT will prepare project concepts and other technical work products to the level of completion necessary to enable the preparation of thorough and responsive proposals by Equipment Suppliers and Contractors. CONSULTANT will prepare the RFP document based on the Water Design Build Council Progressive Design Build Guidance Document, supplemented with City procurement requirements, as appropriate.

##### **2.2 - Distribute Draft RFP for City Comment**

CONSULTANT will distribute draft RFP for review and comment by City staff and meet with City staff to discuss comments and suggested revisions.

##### **2.3 - Finalize RFP Document**

CONSULTANT will incorporate revisions to the draft RFP document and prepare final RFP document.

#### 2.4 - Issue RFP to Qualified Equipment Suppliers and Contractors

CONSULTANT will support City in the formal issuance of the final RFP to the qualified Equipment Suppliers and Contractors. CONSULTANT will provide oversight support to City including facilitation of a pre-proposal meeting, responses to questions and requests for information, and the issuance of addenda to the RFP, if necessary.

### **TASK 3 - PROPOSAL EVALUATION**

#### 3.1 - Conduct Proposal Completeness Check

CONSULTANT will conduct a completeness check of proposal submittals to confirm all information requested in the RFP has been provided and in the proper format. At the City's discretion, CONSULTANT will prepare formal requests to proposers as necessary to acquire missing information.

#### 3.2 - Evaluate Proposal Submittals

CONSULTANT will provide the technical, financial, and contractual evaluation of proposal submittals in accordance with the requirements of the RFP.

#### 3.3 - Finalize Proposal Evaluation / Rank Proposals

CONSULTANT will facilitate the finalization of the proposal evaluation process and the ranking of proposal submittals in accordance with the directives of the RFP. City staff will prepare any necessary staff reports for Council award of Contract.

### **TASK 4 – PROJECT DESIGN OVERSIGHT**

#### 4.1 – Project Design Oversight

CONSULTANT will support the City in overseeing the Contractor's advancement of the proposed project detailed design and cost estimating, and provide value engineering input as necessary.

### **TASK 5 – CONSTRUCTION AND COMMISSIONING SERVICES**

Construction Management activities and Inspection oversight of the Contractor will be the responsibility of the City.

#### 5.1 – Site Visits

CONSULTANT will conduct monthly observations of the construction in progress to confirm compliance with the contract.

#### TIME OF PERFORMANCE

It is anticipated these services will be complete within twelve (12) months from the effective date of this Task Order.

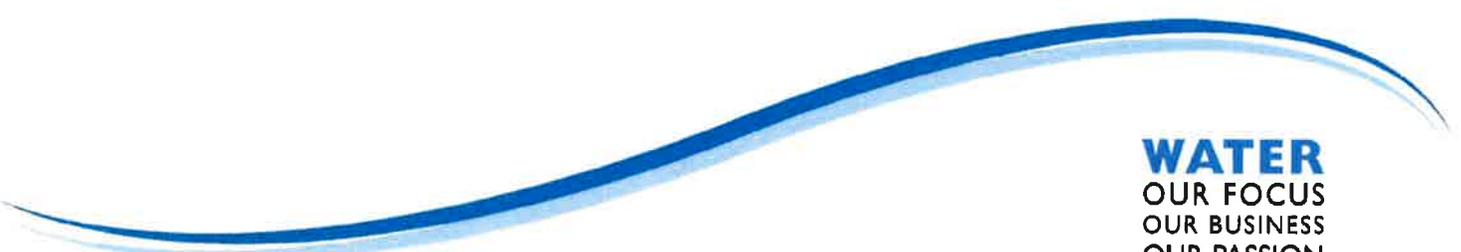
#### PAYMENT

Lump sum of \$162,500 with services to be invoiced monthly as a percentage of the total of work completed.

Sincerely,  
CAROLLO ENGINEERS, INC.

Larry Parlin,  
Senior Vice President

LP:lp



**WATER**  
OUR FOCUS  
OUR BUSINESS  
OUR PASSION



# EXHIBIT C

**NOTE: The City of Lodi is now using the online insurance program PINS Advantage. Once you have been awarded a contract you will receive an email from the City's online insurance program requesting you to forward the email to your insurance provider(s) to submit the required insurance documentation electronically**

## Insurance Requirements for Construction Contracts

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor, his agents, representatives, employees or subcontractors.

### **MINIMUM SCOPE AND LIMIT OF INSURANCE**

Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$5,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.
2. **Automobile Liability:** ISO Form Number CA 00 01 covering any auto or if Contractor has no owned autos, then hired, and non-owned autos with limit no less than **\$2,000,000** per accident for bodily injury and property damage.
3. **Workers' Compensation:** as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease.
4. **Builder's Risk (Course of Construction)** insurance utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions. 5. **Professional Liability (if Design/Build)**, with limits no less than \$2,000,000 per occurrence or claim.

### Other Insurance Provisions:

- (a) Additional Named Insured Status  
The City of Lodi, its elected and appointed boards, commissions, officers, agents, employees, and volunteers are to be covered as additional insureds on the CGL and auto policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of **both** CG 20 10, CG 20 26, CG 20 33, or CG 20 38; **and** CG 20 37 if a later edition is used
- (b) Primary and Non-Contributory Insurance Endorsement  
The limits of insurance coverage required may be satisfied by a combination of primary and umbrella or excess insurance. For any claims related to this contract, the Contractor's insurance coverage shall be primary coverage **at least as broad** as ISO CG 20 01 04 13 as respects the Entity, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.
- (c) Waiver of Subrogation Contractor hereby grants to City of Lodi a waiver of any right to subrogation which any insurer of said Contractor may acquire against the City of Lodi by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City of Lodi has received a waiver of subrogation endorsement from the insurer

**NOTE:** (1) The street address of the **CITY OF LODI** must be shown along with (a) and (b) and (c) above: 221 West Pine Street, Lodi, California, 95240; (2) The insurance certificate must state, on its face or as an endorsement, a description of the project that it is insuring.

- (d) Severability of Interest Clause  
The term "insured" is used severally and not collectively, but the inclusion herein of more than one insured shall not operate to increase the limit of the company's liability under the Contractors commercial general liability and automobile liability policies.
- (e) Notice of Cancellation or Change in Coverage Endorsement  
This policy may not be canceled nor the coverage reduced by the company without 30 days' prior written notice of such cancellation or reduction in coverage to the Risk Manager, City of Lodi, 221 West Pine St., Lodi, CA 95240.

- (f) Continuity of Coverage  
All policies shall be in effect on or before the first day of the Term of this Agreement. At least thirty (30) days prior to the expiration of each insurance policy, Contractor shall furnish a certificate(s) showing that a new or extended policy has been obtained which meets the minimum requirements of this Agreement. Contractor shall provide proof of continuing insurance on at least an annual basis during the Term. If Contractor's insurance lapses or is discontinued for any reason, Contractor shall immediately notify the City and immediately obtain replacement insurance. Contractor agrees and stipulates that any insurance coverage provided to the City of Lodi shall provide for a claims period following termination of coverage which is at least consistent with the claims period or statutes of limitations found in the California Tort Claims Act (California Government Code Section 810 et seq.).
- (g) Failure to Comply  
If Contractor fails or refuses to obtain and maintain the required insurance, or fails to provide proof of coverage, the City may obtain the insurance. Contractor shall reimburse the City for premiums paid, with interest on the premium paid by the City at the maximum allowable legal rate then in effect in California. The City shall notify Contractor of such payment of premiums within thirty (30) days of payment stating the amount paid, the name(s) of the insurer(s), and rate of interest. Contractor shall pay such reimbursement and interest on the first (1st) day of the month following the City's notice. Notwithstanding any other provision of this Agreement, if Contractor fails or refuses to obtain or maintain insurance as required by this agreement, or fails to provide proof of insurance, the City may terminate this Agreement upon such breach. Upon such termination, Contractor shall immediately cease use of the Site or facilities and commence and diligently pursue the removal of any and all of its personal property from the site or facilities.
- (h) Verification of Coverage  
Consultant shall furnish the City with a copy of the policy declaration and endorsement page(s), original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time. **Failure to exercise this right shall not constitute a waiver of the City's right to exercise after the effective date.**
- (i) Self-Insured Retentions  
Self-insured retentions must be declared to and approved by the City. The City may require the Consultant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or City.
- (j) Insurance Limits  
The limits of insurance described herein shall not limit the liability of the Contractor and Contractor's officers, employees, agents, representatives or subcontractors. Contractor's obligation to defend, indemnify and hold the City and its officers, officials, employees, agents and volunteers harmless under the provisions of this paragraph is not limited to or restricted by any requirement in the Agreement for Contractor to procure and maintain a policy of insurance.
- (k) Subcontractors  
Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Consultant shall ensure that City is an additional insured on insurance required from subcontractors
- (l) Qualified Insurer(s)  
All insurance required by the terms of this Agreement must be provided by insurers licensed to do business in the State of California which are rated at least "A-, VI" by the AM Best Ratings Guide, and which are acceptable to the City. Non-admitted surplus lines carriers may be accepted provided they are included on the most recent list of California eligible surplus lines insurers (LESLI list) and otherwise meet City requirements.

RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING CITY MANAGER TO EXECUTE PROFESSIONAL SERVICES AGREEMENT WITH CAROLLO ENGINEERS, INC., OF WALNUT CREEK, FOR PROGRESSIVE DESIGN BUILD CONSTRUCTION DOCUMENTS FOR WHITE SLOUGH WATER POLLUTION CONTROL FACILITY SOLIDS HANDLING EQUIPMENT PROCUREMENT AND INSTALLATION PROJECT, AND APPROPRIATING FUNDS

WHEREAS, biosolids are anaerobically digested, and then directed to a concrete-lined sludge stabilization lagoon at the City's White Slough Water Pollution Control Facility (WSWPCF) and dewatered to a solids content of about 12 percent and stockpiled in an enclosed facility then applied to approximately 700 acres of the City's agricultural fields; and

WHEREAS, recently, applied biosolids occasionally exceeded the vector attraction reduction rate because the volatile solids reduction requirement was not achieved in the anaerobic digestion process, primarily resulting from operational challenges associated with the current biosolids dewatering system which translates into a downstream lack of digester capacity to adequately treat solids loading from the treatment plant processes; and

WHEREAS, the proposed Solids Handling Equipment Procurement and Installation Project is intended to improve solids treatment processes; and

WHEREAS, staff recommends authorizing the City Manager to execute a Professional Services Agreement with Carollo Engineers, Inc., of Walnut Creek, for progressive design build construction documents for White Slough Water Pollution Control Facility Solids Handling Equipment Procurement and Installation Project, in the amount of \$162,500; and

WHEREAS, staff also recommends the City Council appropriate funds in the amounts of \$162,500, from the fund balance of Wastewater Capital (53199000.77020) for fiscal year 2019/20.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute a Professional Services Agreement with Carollo Engineers, Inc., of Walnut Creek, for progressive design build construction documents for White Slough Water Pollution Control Facility Solids Handling Equipment Procurement and Installation Project, in the amount of \$162,500; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize an appropriation for progressive design build construction documents for White Slough Water Pollution Control Facility Solids Handling Equipment Procurement and Installation Project, in the amount of \$162,500, as set forth above; and

BE IT FURTHER RESOLVED, pursuant to Section 6.3q of the City Council Protocol Manual (Res. No. 2019-223), the City Attorney is hereby authorized to make minor revisions to the above-referenced document(s) that do not alter the compensation or term, and to make clerical corrections as necessary.

Dated: April 15, 2020

I hereby certify that Resolution No. 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk

2020-\_\_\_\_\_



# CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Adopt Resolution Accepting Vineyard Terrace Subdivision, Unit No. 1, Tract No. 3986, Public Improvements; Amending Traffic Resolution No. 97-148 by Approving Multi-Way Stop Control at Henri Lane and Berlanda Lane, Two-Way Stop Control on Botticelli Way at Henri Lane, Two-Way Stop Control on Pollock Way at Henri Lane, and Two-Way Stop Control on Raphael Way at Berlanda Lane

**MEETING DATE:** April 15, 2020

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution accepting Vineyard Terrace Subdivision, Unit No. 1, Tract No. 3986, public improvements; amending Traffic Resolution No. 97-148 by approving multi-way stop control at Henri Lane and Berlanda Lane, two-way stop control on Botticelli Way at Henri Lane, two-way stop control on Pollock Way at Henri Lane, and two-way stop control on Raphael Way at Berlanda Lane.

**BACKGROUND INFORMATION:** Vineyard Terrace Subdivision, Unit No. 1, is the first phase of the multi-phase residential development located east of Lower Sacramento Road and north of Century Boulevard, as shown on Exhibit A. Unit No. 1 consists of 121 single-family, residential lots.

The project includes the installation of all interior subdivision public improvements and street widening improvements on Century Boulevard, from Lower Sacramento Road to the project easterly boundary, and on Lower Sacramento Road from Century Boulevard to the project northerly boundary.

A total 0.9 mile of new interior City streets is to be accepted with this subdivision.

Staff recommends accepting Vineyard Terrace Subdivision, Unit No. 1, Tract No. 3986, public improvements; amending Traffic Resolution No. 97-148 by approving multi-way stop control at Henri Lane and Berlanda Lane, two-way stop control on Botticelli Way at Henri Lane, two-way stop control on Pollock Way at Henri Lane, and two-way stop control on Raphael Way at Berlanda Lane.

**FISCAL IMPACT:** There will be an increase in long-term maintenance costs for public infrastructure and City services, such as police, fire, and parks. This cost will be partially offset by proceeds from the Community Facilities District No. 2007-1.

**FUNDING AVAILABLE:** Not applicable.

\_\_\_\_\_  
Charles E. Swimley, Jr.  
Public Works Director

Prepared by Lyman Chang City Engineer/Deputy Public Works Director  
CS/LC/tc  
Attachment

cc: Assistant Engineer Kiriu  
K. Hovnanian CA Land Holdings, LLC  
Senior Civil Engineer Nathan

Engineer Technician, Mangrich  
NorthStar Engineering Group, Inc.  
Senior Engineering Technician Wiman

APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

**TRACT NO. 3986**  
 SUBDIVISIONS OF SAN JOAQUIN COUNTY  
**VINEYARD TERRACE**  
**UNIT NO. 1**

BEING A PORTION OF THE NORTHEAST QUARTER SECTION 15, TOWNSHIP 3 NORTH, RANGE 6 EAST, MOUNT DIABLO MERIDIAN CITY OF LODI, SAN JOAQUIN COUNTY, CALIFORNIA

**NORTHSTAR ENGINEERING GROUP, INC.**

620 12th Street, Modesto, CA 95354  
 (209) 524-3525

**SUBDIVISION SUMMARY:**

RESIDENTIAL LOTS (121)	14.91 ACRES
FUTURE LOTS (LOT "A")	18.38 ACRES
RIGHT OF WAY DEDICATION	9.16 ACRES
<b>TOTAL</b>	<b>42.45 ACRES</b>

**NOTES:**

- ALL DISTANCES ARE MEASURED UNLESS OTHERWISE NOTED.
- ALL DISTANCES SHOWN ALONG A LOT LINE THAT CONTAINS A WITNESS CORNER ARE FROM LOT CORNER TO LOT CORNER.
- ALL 3'x3' W.C. SET AT THE BEARING AND DISTANCE SHOWN FROM LOT CORNER TO MONUMENT.
- FRONT LOT WITNESS CORNERS: SAW CUT "+" IN CONCRETE AT 4.00 FOOT DISTANCE FROM LOT CORNER ON LOT LINE PROJECTION.
- SEE SHEET 2 FOR REFERENCES, BASIS OF BEARINGS AND ADDITIONAL NOTES.

**LEGEND:**

- SET 3/4" x 30" IRON PIPE, TAGGED LS 9099 TO ALL LOT CORNERS, UNLESS OTHERWISE NOTED.
- SET 3' W.C.: 3/4" x 30" IRON PIPE, TAGGED LS 9099
- ⊙ SET 3'x3' W.C.: 3/4" x 30" IRON PIPE, TAGGED LS 9099 AT BEARING AND DISTANCE SHOWN FROM TRUE CORNER
- ⊙ SET 3/4" IRON PIPE, TAGGED LS 9099 IN MONUMENT WELL, UNLESS OTHERWISE NOTED.
- FOUND MONUMENT, AS NOTED.
- ⊙ FOUND MONUMENT IN MONUMENT WELL, AS NOTED.
- SFN SEARCHED, FOUND NOTHING
- (A) SEE REFERENCES SHEET 2
- S.J.C.R. SAN JOAQUIN COUNTY RECORDS
- \* CALCULATED FROM RECORD
- (M) MEASURED
- M&P MAPS & PLATS, S.J.C.R.
- (R) RADIAL
- C18 CURVE DATA, SEE CURVE TABLE THIS SHEET
- PUE PUBLIC UTILITY EASEMENT
- PWE PUBLIC WALL EASEMENT
- PM PARCEL MAP, S.J.C.R.
- D.N. DOCUMENT NUMBER, S.J.C.R.
- RS RECORD OF SURVEY, S.J.C.R.
- W.C. WITNESS CORNER
- I.N. INSTRUMENT NUMBER, S.J.C.R.
- 2' PUBLIC WALL EASEMENT (PWE)
- ////// RESTRICTED ACCESS

**LINE TABLE**

LINE	BEARING	LENGTH
L1	S00°00'10"W	81.32'
L2	S46°02'40"W	19.45'
L3	N89°59'50"W	144.50'
L4	N46°02'20"W	19.45'
L5	N00°00'10"E	7.00'
L6	N89°59'50"W	50.00'
L7	S00°00'10"W	7.00'
L8	S46°02'40"W	19.45'
L9	N89°59'50"W	142.00'
L10	N46°02'20"W	19.45'
L11	N00°00'10"E	12.00'
L12	N89°59'50"W	50.00'
L13	S00°00'10"W	5.61'
L14	S45°00'10"W	9.04'
L15	N89°59'50"W	77.28'
L16	N44°59'50"W	8.94'

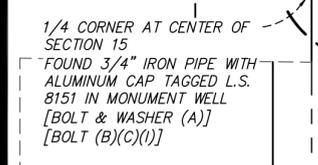
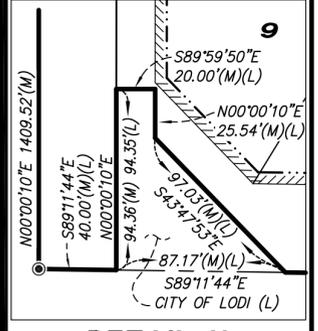
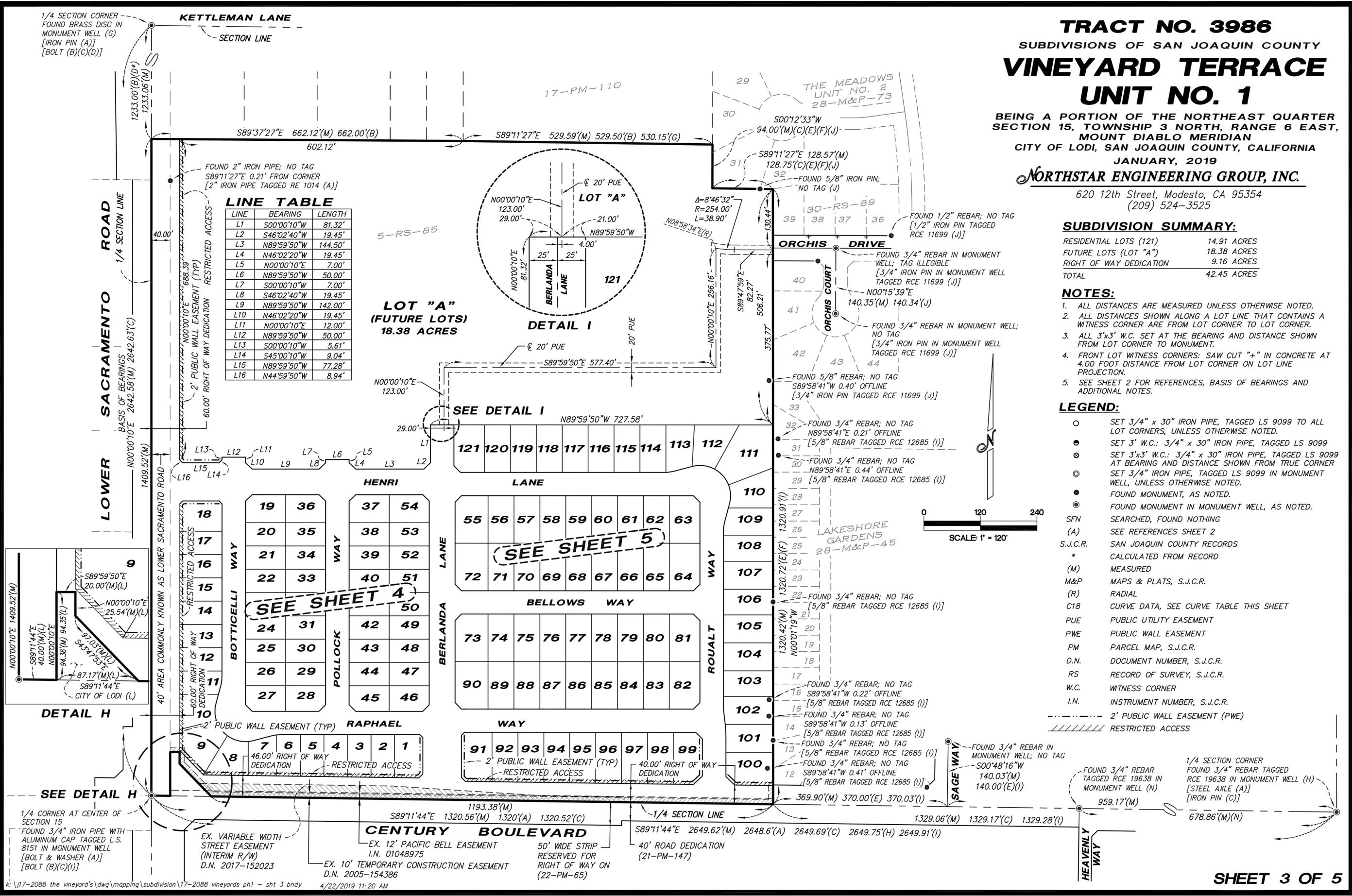
**LOT "A"**  
 (FUTURE LOTS)  
 18.38 ACRES

**DETAIL I**

SEE DETAIL I

SEE SHEET 5

SEE SHEET 4



RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL ACCEPTING VINEYARD TERRACE SUBDIVISION, UNIT NO. 1, TRACT NO. 3986, PUBLIC IMPROVEMENTS; AMENDING TRAFFIC RESOLUTION NO. 97-148 BY APPROVING MULTI-WAY STOP CONTROL AT HENRI LANE AND BERLANDA LANE, TWO-WAY STOP CONTROL ON BOTTICELLI WAY AT HENRI LANE, TWO-WAY STOP CONTROL ON POLLOCK WAY AT HENRI LANE, AND TWO-WAY STOP CONTROL ON RAPHAEL WAY AT BERLANDA LANE

=====

WHEREAS, Vineyard Terrace Subdivision, Unit No. 1, is the first phase of the multi-phase residential development located east of Lower Sacramento Road and north of Century Boulevard; and

WHEREAS, the project included the installation of all interior subdivision public improvements and street widening improvements on Century Boulevard, from Lower Sacramento Road to the project easterly boundary, and on Lower Sacramento Road from Century Boulevard to the project northerly boundary; and

WHEREAS, a total 0.9 mile of new interior City streets is to be accepted with this subdivision.

WHEREAS, staff recommends accepting Vineyard Terrace Subdivision, Unit No. 1, Tract No. 3986, public improvements; and

WHEREAS, staff also recommends amending Traffic Resolution No. 97-148 by approving multi-way stop control at Henri Lane and Berlanda Lane, two-way stop control on Botticelli Way at Henri Lane, two-way stop control on Pollock Way at Henri Lane, and two-way stop control on Raphael Way at Berlanda Lane.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby accept Vineyard Terrace Subdivision, Unit No. 1, Tract No. 3986, public improvements; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby amend Traffic Resolution No. 97-148 by approving multi-way stop control at Henri Lane and Berlanda Lane, two-way stop control on Botticelli Way at Henri Lane, two-way stop control on Pollock Way at Henri Lane, and two-way stop control on Raphael Way at Berlanda Lane; and

BE IT FURTHER RESOLVED, pursuant to Section 6.3q of the City Council Protocol Manual (Res. No. 2019-223), the City Attorney is hereby authorized to make minor revisions to the above-referenced document(s) that do not alter the compensation or term, and to make clerical corrections as necessary.

Dated: April 15, 2020

=====

I hereby certify that Resolution No. 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk

2020-\_\_\_\_\_



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Authorizing City Manager to Execute Funding Documents with the California Department of Transportation for Allocation of Fiscal Year 2019/20 Low Carbon Transit Operations Program Funds

**MEETING DATE:** April 15, 2020

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution authorizing City Manager to execute funding documents with the California Department of Transportation for allocation of Fiscal Year 2019/20 Low Carbon Transit Operations Program funds.

**BACKGROUND INFORMATION:** The Low Carbon Transit Operations Program (LCTOP) is one of several State funding programs that are part of the Transit, Affordable Housing, and Sustainable Communities Program established by the California Legislature in 2014. The LCTOP was created to provide operating and capital funding for transit agencies to reduce greenhouse gas emissions and improve mobility, with a priority on serving designated Disadvantaged Communities.

The LCTOP is administered by California Department of Transportation in coordination with California Air Resources Board and the State Controller's Office. Funds are distributed based on prior use of State Transit Assistance funds with 50 percent to the regional agencies, in our case, San Joaquin Council of Governments (SJCOG), and the other 50 percent to local transit operators. For the Fiscal Year 2019/20 LCTOP funding cycle, the City is eligible to receive \$10,976 in a direct allocation as a transit operator. In addition, SJCOG's regional allocation of \$1.4 million will be allocated among transit providers, with Lodi receiving \$72,664. This provides the City with a total LCTOP allocation of \$83,640.

The Transit Division plans to apply for this years' allocation to continue the free student fare program, which was launched on August 1, 2019 using Fiscal Year 2018/19 LCTOP funds. The free fare subsidy program provided 6,844 free student trips in the first month, with very minimal marketing. Ridership continued to increase each month, with a record high in February 2020 of 8,023 free student trips. Compared to last year, ridership on the Express routes, which serve the student population, has increased by 50%. In the world of transit, this is a phenomenal increase. A total of 47,714 free student trips have been provided through February 2020, which equates to \$59,642.50 in fare subsidies provided by last year's LCTOP funds. The COVID-19 event has made a severe impact on not only student ridership, but ridership in general. It is anticipated that when normalcy returns, the free student ride program will continue its success into the next school year.

In order to complete the application process and receive LCTOP funds, the City is required to submit several supporting documents which are required to be approved by the City Council:

1. An "Authorized Agent" form to designate the City Manager, and/or designee, as signatory on any documents associated with obtaining and managing LCTOP funds.

APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

2. The "Certification and Assurances," which contain general conditions of the LCTOP program as well as some additional cost principles and record retention requirements that are standard for other State-funded projects.
3. Project Allocation form acknowledging Lodi as the Lead Agency and SJCOG as the Contributing Sponsor of LCTOP funds.
4. A Resolution adopted by Council approving all of the submittals on behalf of the LCTOP program.

**FISCAL IMPACT:** \$83,640 in LCTOP funds will be additional revenue to offset fares. There is no matching requirement and there is no impact to the General Fund. All interest accrued for these funds must also be applied to the project. Request authorization to

**FUNDING AVAILABLE:** Staff anticipates receiving \$83,640 in LCTOP funds for use over the next year beginning in Fiscal Year 2020/21.

---

Charles E. Swimley, Jr.  
Public Works Director

Prepared by Georgia Graham, Transportation Manager  
CES/GG/tdb  
Attachments



FY 2019-2020 LCTOP
Authorized Agent

AS THE Mayor (on behalf of the City Council)
(Chief Executive Officer/Director/President/Secretary)

OF THE City of Lodi
(Name of County/City/Transit Organization)

I hereby authorize the following individual(s) to execute for and on behalf of the named Regional Entity/Transit Operator, any actions necessary for the purpose of obtaining Low Carbon Transit Operations Program (LCTOP) funds provided by the California Department of Transportation, Division of Rail and Mass Transportation. I understand that if there is a change in the authorized agent, the project sponsor must submit a new form. This form is required even when the authorized agent is the executive authority himself. I understand the Board must provide a resolution approving the Authorized Agent. The Board Resolution appointing the Authorized Agent is attached.

Stephen Schwabauer, City Manager OR
(Name and Title of Authorized Agent)

Charles E. Swimley, Jr., Public Works Director OR
(Name and Title of Authorized Agent)

Georgia Graham, Transportation Manager OR
(Name and Title of Authorized Agent)

Click here to enter text. OR
(Name and Title of Authorized Agent)

Doug Kuehne Mayor
(Print Name) (Title)

(Signature)

Approved this 15 day of April, 2020

Approved as to Form:

JANICE D. MAGDICH
City Attorney



## FY 2019-2020 LCTOP Certifications and Assurances

**Lead Agency:** City of Lodi

**Project Title:** Free Student Fare Program

**Prepared by:** Georgia Graham, Transportation Manager

The California Department of Transportation (Caltrans) has adopted the following Certifications and Assurances for the Low Carbon Transit Operations Program (LCTOP). As a condition of the receipt of LCTOP funds, Lead Agency must comply with these terms and conditions.

### **A. General**

1. The Lead Agency agrees to abide by the current LCTOP Guidelines and applicable legal requirements.
2. The Lead Agency must submit to Caltrans a signed Authorized Agent form designating the representative who can submit documents on behalf of the project sponsor and a copy of the board resolution appointing the Authorized Agent.

### **B. Project Administration**

1. The Lead Agency certifies that required environmental documentation is complete before requesting an allocation of LCTOP funds. The Lead Agency assures that projects approved for LCTOP funding comply with Public Resources Code § 21100 and § 21150.
2. The Lead Agency certifies that a dedicated bank account for LCTOP funds only will be established within 30 days of receipt of LCTOP funds.
3. The Lead Agency certifies that when LCTOP funds are used for a transit capital project, that the project will be completed and remain in operation for its useful life.
4. The Lead Agency certifies that it has the legal, financial, and technical capacity to carry out the project, including the safety and security aspects of that project.
5. The Lead Agency certifies that they will notify Caltrans of pending litigation, dispute, or negative audit findings related to the project, before receiving an allocation of funds.
6. The Lead Agency must maintain satisfactory continuing control over the use of project equipment and facilities and will adequately maintain project equipment and facilities for the useful life of the project.
7. Any interest the Lead Agency earns on LCTOP funds must be used only on approved LCTOP projects.
8. The Lead Agency must notify Caltrans of any changes to the approved project with a Corrective Action Plan (CAP).



## FY 2019-2020 LCTOP

9. Under extraordinary circumstances, a Lead Agency may terminate a project prior to completion. In the event the Lead Agency terminates a project prior to completion, the Lead Agency must (1) contact Caltrans in writing and follow-up with a phone call verifying receipt of such notice; (2) pursuant to verification, submit a final report indicating the reason for the termination and demonstrating the expended funds were used on the intended purpose; (3) submit a request to reassign the funds to a new project within 180 days of termination.

### **C. Reporting**

1. The Lead Agency must submit the following LCTOP reports:
  - a. Semi-Annual Progress Reports by May 15th and November 15th each year.
  - b. A Close Out Report within six months of project completion.
  - c. The annual audit required under the Transportation Development Act (TDA), to verify receipt and appropriate expenditure of LCTOP funds. A copy of the audit report must be submitted to Caltrans within six months of the close of the year (December 31) each year in which LCTOP funds have been received or expended.
  - d. Project Outcome Reporting as defined by CARB Funding Guidelines.
  - e. Jobs Reporting as defined by CARB Funding Guidelines.
2. Other Reporting Requirements: CARB develops and revises Funding Guidelines that will include reporting requirements for all State agencies that receive appropriations from the Greenhouse Gas Reduction Fund. Caltrans and project sponsors will need to submit reporting information in accordance with CARB's Funding Guidelines, including reporting on greenhouse gas reductions and benefits to disadvantaged communities.

### **D. Cost Principles**

1. The Lead Agency agrees to comply with Title 2 of the Code of Federal Regulations 225 (2 CFR 225), Cost Principles for State and Local Government, and 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
2. The Lead Agency agrees, and will assure that its contractors and subcontractors will be obligated to agree, that:
  - a. Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allow ability of individual project cost items and
  - b. Those parties shall comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving LCTOP funds as a contractor or sub-contractor shall comply with



## FY 2019-2020 LCTOP

Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

3. Any project cost for which the Lead Agency has received funds that are determined by subsequent audit to be unallowable under 2 CFR 225, 48 CFR, Chapter 1, Part 31 or 2 CFR, Part 200, are subject to repayment by the Lead Agency to the State of California (State). All projects must reduce greenhouse gas emissions, as required under Public Resources Code section 75230, and any project that fails to reduce greenhouse gases shall also have its project costs subject to repayment by the Lead Agency to the State. Should the Lead Agency fail to reimburse moneys due to the State within thirty (30) days of demand, or within such other period as may be agreed in writing between the Parties hereto, the State is authorized to intercept and withhold future payments due the Lead Agency from the State or any third-party source, including but not limited to, the State Treasurer and the State Controller.

### A. Record Retention

1. The Lead Agency agrees and will assure that its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred project costs and matching funds by line item for the project. The accounting system of the Lead Agency, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP) and enable the determination of incurred costs at interim points of completion. All accounting records and other supporting papers of the Lead Agency, its contractors and subcontractors connected with LCTOP funding shall be maintained for a minimum of three (3) years after the "Project Closeout" report or final Phase 2 report is submitted (per ARB Funding Guidelines, Vol. 3, page 3.A-16), and shall be held open to inspection, copying, and audit by representatives of the State and the California State Auditor. Copies thereof will be furnished by the Lead Agency, its contractors, and subcontractors upon receipt of any request made by the State or its agents. In conducting an audit of the costs claimed, the State will rely to the maximum extent possible on any prior audit of the Lead Agency pursuant to the provisions of federal and State law. In the absence of such an audit, any acceptable audit work performed by the Lead Agency's external and internal auditors may be relied upon and used by the State when planning and conducting additional audits.
2. For the purpose of determining compliance with Title 21, California Code of Regulations, Section 2500 et seq., when applicable, and other matters connected with the performance of the Lead Agency's contracts with third parties pursuant to Government Code § 8546.7, the project sponsor, its contractors and subcontractors and the State shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times



## FY 2019-2020 LCTOP

during the entire project period and for three (3) years from the date of final payment. The State, the California State Auditor, or any duly authorized representative of the State, shall each have access to any books, records, and documents that are pertinent to a project for audits, examinations, excerpts, and transactions, and the Lead Agency shall furnish copies thereof if requested.

3. The Lead Agency, its contractors and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by the State, for the purpose of any investigation to ascertain compliance with this document.

### F. Special Situations

Caltrans may perform an audit and/or request detailed project information of the project sponsor's LCTOP funded projects at Caltrans' discretion at any time prior to the completion of the LCTOP.

I certify all of these conditions will be met.

Stephen Schwabauer

*(Print Authorized Agent)*

City Manager

*(Title)*

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

**Approved as to Form:**

JANICE D. MAGDICH  
City Attorney



**FY 2019-2020 LCTOP  
Allocation**

<b>Lead Agency:</b>	<b>City of Lodi</b>
<b>Project Title:</b>	<b>Free Student Fare Program</b>
<b>Regional Entity:</b>	<b>San Joaquin Council of Governments</b>
<b>County:</b>	<b>San Joaquin</b>

**Lead Agency:** I certify the scope, cost, schedule, and benefits as identified in the attached Allocation Request (Request) and attachments are true and accurate and demonstrate a fully funded operable project. I understand the Request is subject to any additional restrictions, limitations or conditions that may be enacted by the State Legislature, including the State's budgetary process and/or auction receipts. In the event the project cannot be completed as originally scoped, scheduled and estimated, or the project is terminated prior to completion, Lead Agency shall, at its own expense, ensure that the project is in a safe and operable condition for the public. I understand this project will be monitored by the California Department of Transportation - Division of Rail and Mass Transportation.

<b>Authorized Agent:</b>	Stephen Schwabauer
<b>Title:</b>	City Manager
<b>Lead Agency:</b>	City of Lodi

<b>Signature:</b>	
<b>PUC Funds Type:</b>	<b>99313 \$ 72,664</b>
<b>PUC Funds Type:</b>	<b>99314 \$ 10,976</b>

**Contributing Sponsor(s):** The contributing sponsor is an entity that passes funds to the Lead Agency to support a project. The contributing sponsor could be the regional entity (PUC 99313) passing their funds to a recipient agency within their region or a recipient agency (PUC 99314) passing their funds through to either a regional entity or a recipient agency within their region. The contributing sponsor(s) must also sign and state the amount and type of LCTOP funds (PUC Sections 99313 and 99314) they are contributing the project. Sign below or attach a separate officially signed letter providing that information. If there is more than one contributing sponsor, please submit additional page, or a letter from the additional Contributing Sponsors.

<b>Authorized Agent:</b>	Ryan Cordero Niblock
<b>Title:</b>	Senior Regional Planner
<b>Lead Agency:</b>	San Joaquin Council of Governments

<b>Signature:</b>	
<b>PUC Funds Type:</b>	<b>99313 \$ 72,664</b>
<b>PUC Funds Type:</b>	<b>99314 \$ 10,976</b>

RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY  
MANAGER TO EXECUTE CERTIFICATIONS AND ASSURANCES, AND  
AUTHORIZED AGENT FORMS, WITH CALIFORNIA DEPARTMENT OF  
TRANSPORTATION FOR ALLOCATION OF FISCAL YEAR 2019/2020  
LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) FUNDS  
FOR THE FREE STUDENT FARE PROGRAM

=====

WHEREAS, the City of Lodi is an eligible project sponsor and may receive state funding from the Low Carbon Transit Operations Program (LCTOP) for transit projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 862 (2014) named the California Department of Transportation (Caltrans) as the administrative agency for the LCTOP; and

WHEREAS, Caltrans has developed guidelines for the purpose of administering and distributing LCTOP funds to eligible project sponsors (local agencies); and

WHEREAS, the City of Lodi wishes to delegate authorization to execute these documents and any amendments thereto to Stephen Schwabauer, City Manager; and

WHEREAS, the City of Lodi wishes to implement the LCTOP project(s) listed above.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council on behalf of the City of Lodi hereby accepts and agrees that the City of Lodi, as a fund recipient, will comply with all conditions and requirements set forth in the Certification and Assurances and the Authorized Agent documents and applicable statutes, regulations and guidelines for all LCTOP funded transit projects; and

BE IT FURTHER RESOLVED that Stephen Schwabauer, City Manager, is hereby authorized to execute all required documents of the Low Carbon Transit Operations Program, and any Amendments thereto with the California Department of Transportation; and

BE IT FURTHER RESOLVED that the Lodi City Council hereby authorizes the submittal of the following project nomination and allocation request to Caltrans for FY 2019-20 LCTOP funds:

Project Name:	Free Student Fare Program
Amount of LCTOP funds requested:	\$83,640
Project Description:	Provide free transit fares for students in underserved areas of Lodi to encourage and increase ridership on the fixed route transit system.
Benefit to Priority Populations:	Free transportation to schools, activity centers, youth clubs, and recreation activities.
Contributing Sponsors:	San Joaquin Council of Governments

Dated: April 15, 2020

=====

I hereby certify that Resolution No. 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk

2020-\_\_\_\_\_



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Adopt Resolution Approving Renewal and Amendment to Plan Documents for Standard Insurance Company Effective April 1, 2020 to July 1, 2023, and Further Authorizing the City Manager to Execute Agreement

**MEETING DATE:** April 15, 2020

**SUBMITTED BY:** Human Resources Manager

---

**RECOMMENDED ACTION:** Adopt resolution approving renewal and amendment to plan documents for Standard Insurance Company effective April 1, 2020 to July 1, 2023, and further authorizing the City Manager to execute agreement.

**BACKGROUND INFORMATION:** The City of Lodi contracts with Standard Insurance Company (The Standard) for life and accidental death and dismemberment (AD&D) insurance. Insurance coverage varies between bargaining units which are defined in the Memorandums of Understanding or Statements of Benefits.

During recent negotiations with the AFSCME units, the City agreed to changes in life and AD&D insurance for AFSCME General Services Unit, and Maintenance and Operators Unit, increasing the life insurance benefit from \$10,000 to \$25,000. In addition, the City agreed to increase the Accidental Death and Dismemberment benefit for the Police Officers Association of Lodi (POAL) from \$25,000 to \$50,000.

Life and AD&D benefits remain the same for all other bargaining groups.

The term of this agreement shall begin on April 1, 2020 and continue in effect through July 1, 2023.

**FISCAL IMPACT:** Annual cost of approximately \$110,000

**FUNDING AVAILABLE:** Included in Benefits Fund appropriations (65522000).

\_\_\_\_\_  
Adele Post, Human Resources Manager

\_\_\_\_\_  
Andrew Keys, Deputy City Manager/Internal Services Director

---

APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager



# Your Employee Benefits Proposal

**Prepared for:** City of Lodi

**Presented by:**

**Proposal Prepared on:**  
March 24, 2020

**Proposed Effective Date:**  
May 1, 2020

Life and AD&D Insurance  
Dependent Life Insurance  
Accidental Death and Dismemberment  
Insurance

Standard Insurance Company





## Life and AD&D Insurance

Handling a Life insurance claim takes a special touch. All of our Life benefits employees complete annual grief training helping them to empathize with beneficiaries and recognize when they need special attention. And we're focused on settling claims quickly: Our median calculation turnaround time in 2018 was 5 days for clean claims and 6 days for all claims (internal company data as of January 2019).

### Covered Members

An active Elected City Council employee of the Employer.

An active Non-safety employee of the Employer working 40 or more hours per week.

An active Police, Police Dispatcher or Fire Mid-Management employee of the Employer working 40 or more hours per week.

An active supervisory Fire or Police employee of the Employer.

- **Class 1:** All Executive Management
- **Class 2:** City Manager and City Attorney
- **Class 3:** Police Chief and Fire Chief
- **Class 4:** Mid-Management members, other than Confidential Mid-Management members
- **Class 5:** Confidential Mid-Management
- **Class 6:** IBEW members
- **Class 7:** Police Mid-Management
- **Class 8:** Fire Mid-Management
- **Class 9:** Dispatchers
- **Class 10:** General Service members, other than Confidential General Service members
- **Class 11:** Confidential General Service members
- **Class 12:** Maintenance & Operator members
- **Class 13:** Council Members
- **Class 14:** Police Corporals, Police Officers and Police Officer Trainees

	Basic			
	Class 1	Class 2	Class 3	Class 4
<b>Benefit Schedule</b>	2 x Annual Earnings, Plus \$2,000	1.50 x Annual Earnings, Plus \$12,000	2 x Annual Earnings, Plus \$2,000	2 x Annual Earnings
<b>Rounding</b>	Up to next \$1,000	Up to next \$1,000	Up to next \$1,000	Up to next \$1,000
<b>Maximum Benefit</b>	\$250,000	\$250,000	\$250,000	\$250,000
<b>Guarantee Issue</b>	Full Benefit	Full Benefit	Full Benefit	Full Benefit
<b>AD&amp;D Benefit</b>	Matches Life Benefit	Matches Life Benefit	Matches Life Benefit	n/a
<b>Age Reduction Schedule</b>	To 65% at age 70 To 50% at age 75	To 65% at age 70 To 50% at age 75	To 65% at age 70 To 50% at age 75	To 65% at age 70 To 50% at age 75
<b>Employer Contribution</b>	100%	100%	100%	100%
<b>Minimum Participation</b>	100%	100%	100%	100%



	Basic			
	Class 5	Class 6	Class 7	Class 8
<b>Benefit Schedule</b>	2 x Annual Earnings	2 x Annual Earnings	Flat \$25,000	Flat \$25,000
<b>Rounding</b>	Up to next \$1,000	Up to next \$1,000	n/a	n/a
<b>Maximum Benefit</b>	\$250,000	\$250,000	n/a	n/a
<b>Guarantee Issue</b>	Full Benefit	Full Benefit	Full Benefit	Full Benefit
<b>AD&amp;D Benefit</b>	n/a	n/a	Matches Life Benefit	Matches Life Benefit
<b>Age Reduction Schedule</b>	To 65% at age 70 To 50% at age 75	To 65% at age 70 To 50% at age 75	To 65% at age 70 To 50% at age 75	To 65% at age 70 To 50% at age 75
<b>Employer Contribution</b>	100%	100%	100%	100%
<b>Minimum Participation</b>	100%	100%	100%	100%

	Basic			
	Class 9	Class 10	Class 11	Class 12
<b>Benefit Schedule</b>	Flat \$10,000	Flat \$25,000	Flat \$25,000	Flat \$25,000
<b>Rounding</b>	n/a	n/a	n/a	n/a
<b>Maximum Benefit</b>	n/a	n/a	n/a	n/a
<b>Guarantee Issue</b>	Full Benefit	Full Benefit	Full Benefit	Full Benefit
<b>AD&amp;D Benefit</b>	Flat \$25,000	Matches Life Benefit	Matches Life Benefit	Matches Life Benefit
<b>Age Reduction Schedule</b>	To 65% at age 70 To 50% at age 75	To 65% at age 70 To 50% at age 75	To 65% at age 70 To 50% at age 75	To 65% at age 70 To 50% at age 75
<b>Employer Contribution</b>	100%	100%	100%	100%
<b>Minimum Participation</b>	100%	100%	100%	100%

	Basic	
	Class 13	Class 14
<b>Benefit Schedule</b>	Flat \$10,000	Flat \$25,000
<b>Rounding</b>	n/a	n/a
<b>Maximum Benefit</b>	n/a	n/a
<b>Guarantee Issue</b>	Full Benefit	Full Benefit
<b>AD&amp;D Benefit</b>	Matches Life Benefit	Matches Life Benefit
<b>Age Reduction Schedule</b>	To 65% at age 70 To 50% at age 75	To 65% at age 70 To 50% at age 75
<b>Employer Contribution</b>	100%	100%
<b>Minimum Participation</b>	100%	100%



## Life Highlights

	Basic
<b>Waiver of Premium</b>	Eligible to age 60 Waived for life

## AD&D Highlights

	Basic
<b>Loss of life</b>	100%
<b>Loss of both hands, or both feet, or sight of both eyes</b>	100%
<b>Loss of one hand and one foot</b>	100%
<b>Loss of sight of one eye and either one hand or one foot</b>	100%
<b>Loss of one hand or one foot</b>	50%
<b>Loss of sight of one eye</b>	50%
<b>Seat Belt Benefit</b>	AD&D benefit payable up to \$10,000
<b>Air Bag Benefit</b>	AD&D benefit payable up to \$5,000
<b>Family Benefits Package</b>	Included
<b>Portability</b>	Included
<b>Line of Duty Benefit</b>	AD&D Benefit payable up to \$50,000

## Additional Plan Design Details

- The Family Benefits Package includes:
  - The Higher Education Benefit reimburses tuition expenses up to \$5,000 per child per year towards a 4-year college education for the deceased's children - not to exceed a cumulative total of \$20,000 or 25% of the AD&D benefit per child, whichever is less.
  - Career Adjustment Benefit reimburses tuition expenses up to \$5,000 per year to help a spouse to return to the workforce after the death of their spouse - not to exceed the cumulative total of \$10,000 or 25% of the AD&D benefit, whichever is less.
  - Child Care Benefit reimburses a family's child care expenses up to \$5,000 per year - not to exceed \$10,000 or 25% of the AD&D benefit, whichever is less.
- For Class 3, 7, 8, 9, 14: A Line of Duty benefit is included which provides an additional AD&D benefit for public safety officers who suffer death or dismemberment in an accident while acting in the line of duty.
- For Class 1 & 2: An additional AD&D benefit of \$25,000 is included at a rate of \$0.03 per \$1,000 of benefit
- For Class 10, 11 & 12: An additional AD&D benefit of \$10,000 is included at a rate of \$0.03 per \$1,000 of benefit
- The AD&D Occupational Assistance service is included and provides access to a Workplace Possibilities (SM) Consultant who helps those with a specified accidental dismemberment return to productive work and life.
- All other provisions of the existing plan remain unchanged.



## Cost

	Basic
<b>Life</b>	
Members	339
Volume	\$25,293,250
Rate: Per \$1,000	.310
Monthly Premium	\$7,841
<b>AD&amp;D</b>	
Members	260
Volume	\$8,451,250
Rate: Per \$1,000	.040
Monthly Premium	\$338
<b>Total Billed Premium</b>	<b>\$8,179</b>
Rate Guarantee	Until 01-Jul-2023

## Assumptions

- For Class 9: This is not our customary age-reduction schedule. We assume you have determined that the schedule you requested complies with the ADEA.

## Conditions

- Member must be insured under Basic Life in order to be eligible for Basic AD&D
- The elected benefit amount for Basic AD&D must match the benefit amount for Basic Life

## More Information

For additional information on the available features and benefits of Life and AD&D Insurance from The Standard, click here:  
<http://www.standard.com/group-life-add>

## Dependent Life Insurance

### Covered Members

An active supervisory Fire or Police employee of the Employer.

An active Elected City Council employee of the Employer.

An active Non-safety employee of the Employer working 40 or more hours per week.

An active Police, Police Dispatcher or Fire Mid-Management employee of the Employer working 40 or more hours per week.

	Spouse and Child
<b>Benefit Schedule</b>	Spouse: \$1,500 Child: \$1,500
<b>Guarantee Issue</b>	Full Benefit

### Life Highlights

	Spouse and Child
<b>Conversion</b>	Included
<b>Portability</b>	Included

### Additional Plan Design Details

- Life insurance for dependents continues automatically, without premium payment, for five months after the death of the insured member.
- Dependents coverage includes child(ren) from live birth through age 25.

### Cost

	Spouse and Child
	Elective: Paid by each Member electing coverage
<b>Life</b>	
<b>Members</b>	To Be Determined
<b>Rate: Per Member</b>	\$0.49
<b>Rate Guarantee</b>	Until 01-Jul-2023



## Conditions

- Except as provided in the Additional Plan Design Details, we require evidence of insurability for:
  - Increases in elected benefit amounts from the current plan to this plan.

## More Information

For additional information on the available features and benefits of Dependent Life Insurance from The Standard, click here:  
<http://www.standard.com/group-life-add>



## Accidental Death and Dismemberment Insurance

Support after an accidental death or severe injury can provide much-needed financial assistance through a difficult time. Our AD&D insurance includes a Family Benefits Package designed to help surviving family members maintain their standard of living and pursue their dreams.

### Covered Members

An active supervisory Fire or Police employee of the Employer.

An active Non-safety employee of the Employer working 40 or more hours per week.

An active Police, Police Dispatcher or Fire Mid-Management employee of the Employer working 40 or more hours per week.

An active Elected City Council employee of the Employer.

	Employee
<b>Benefit Schedule</b>	Flat \$10,000
<b>Age Reduction Schedule</b>	To 65% at age 70 To 50% at age 75
<b>Employer Contribution</b>	100%

### Additional Plan Design Details

- All other provisions of the existing plan remain unchanged.

### Cost

	Employee
<b>Members</b>	149
<b>Volume</b>	\$1,486,500
<b>Rate: Per \$1,000</b>	.030
<b>Monthly Premium</b>	\$45
<b>Rate Guarantee</b>	Until 01-Jul-2023

### More Information

For additional information on the available features and benefits of Accidental Death and Dismemberment Insurance from The Standard, click here: <http://www.standard.com/group-add>



## Producer Compensation Disclosure

We recognize the valuable role of insurance advisors, consultants and brokers ("producers") in helping their clients design an employee benefits program, and we support reasonable and fair compensation for these services. Producers may be eligible to receive compensation from The Standard.

The commission quoted in this proposal are noted below. Additionally, fees for administrative, marketing or consulting services may apply. If applicable, fees are noted below.

No commissions included for Life.

Unless participation is declined by the producer or client, contingent compensation is additional compensation that may also be paid and is dependent on the satisfaction of one or more minimum requirements, such as a specified amount of new premium volume or persistency in connection with the producer's block of business. For information about our customary producer rewards program visit [www.standard.com/financial-professional/insurance-benefits/compensation](http://www.standard.com/financial-professional/insurance-benefits/compensation). Some producers may have a contingent compensation arrangement that differs from our customary program. Please consult with your producer for additional details.

## About This Employee Benefits Proposal

We appreciate the opportunity to provide you with this benefit and cost summary proposal from The Standard. This document outlines certain important features of the group insurance coverages available. This is not a contract or an offer to contract for such coverages. Detailed information about other important features of the coverage proposed is available on request. Just ask your broker/consultant or your representative at The Standard.

A completed application must be submitted before a group can be considered for coverage. Insurance will be effective after the application is accepted by The Standard. If approved, we will issue a contract containing our customary language. It will not duplicate policy language from another carrier. The group contract will contain provisions and defined terms not described in this Employee Benefits Proposal. The group contract will control if there are discrepancies between it and this proposal.

This benefit and cost summary proposal expires on June 22, 2020, unless replaced or withdrawn by The Standard.

The proposed premium rate and plan design for each coverage are based on the underwriting data received by The Standard. Final premium rates and plan provisions will be determined by The Standard on the basis of: applicable state laws, policyholder contributions, confirmation of occupations, the actual composition of the group of persons who will become insured and our current underwriting rules and practices.

## Financial Strength Ratings

For information about our Financial strengths ratings visit [www.standard.com/about](http://www.standard.com/about)

RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING RENEWAL AND AMENDMENT TO PLAN  
DOCUMENTS WITH STANDARD INSURANCE COMPANY  
FOR LIFE AND ACCIDENTAL DEATH AND  
DISMEMBERMENT INSURANCE; AND FURTHER  
AUTHORIZING THE CITY MANAGER  
TO EXECUTE AGREEMENT

=====

WHEREAS, the City of Lodi contracts with Standard Insurance Company for life and accidental death and dismemberment (AD&D) benefits provided to City of Lodi employees; and

WHEREAS, during recent negotiations with AFSCME General Services and Maintenance and Operators Units, the City agreed to make changes to life and AD&D insurance, increasing the life insurance benefit from \$10,000 to \$25,000; and

WHEREAS, the City also agreed to increase the Accidental Death and Dismemberment benefit for the Police Officers Association of Lodi (POAL) from \$25,000 to \$50,000; and

WHEREAS, the term of this agreement shall be from April 1, 2020 through July 1, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the renewal and amendment to plan documents with Standard Insurance Company; and

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to execute the agreement with Standard Insurance Company on behalf of the City of Lodi with the changes outlined above.

Dated: April 15, 2020

=====

I hereby certify that Resolution No. 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Adopt Resolution Authorizing Destruction of Certain Citywide Records in Accordance with the Government Code and the City's Records Management Policy

**MEETING DATE:** April 15, 2020

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Adopt resolution authorizing the destruction of certain Citywide records in accordance with the Government Code and the City's Records Management Policy.

**BACKGROUND INFORMATION:** Section 34090 of the California Government Code provides for the destruction of certain City records with the approval of the legislative body by resolution and the written consent of the City Attorney. The City Clerk's office coordinated and compiled a listing of citywide records to be destroyed from the various departments pursuant to the City's Records Management Program and Policy (2007), which specifically provides for the annual destruction of said records in accordance with the Secretary of State's Records Retention Guidelines.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

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Pamela M. Farris  
Assistant City Clerk

Attachments

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APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY  
COUNCIL AUTHORIZING DESTRUCTION  
OF CERTAIN CITYWIDE RECORDS

=====

WHEREAS, in accordance with Government Code Section 34090, the City Clerk and City Attorney have filed written consent to the destruction of certain Citywide records as specifically set forth in the attached inventory marked as Exhibit A, and thereby made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

1. The records heretofore identified are no longer required.
2. The Lodi City Council finds that the City Clerk and City Attorney have given written consent to the destruction of the records inventoried on Exhibit A attached hereto and the destruction of those records is hereby authorized.

Dated: April 15, 2020

=====

I hereby certify that Resolution No. 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk

2020-\_\_\_\_\_

**AUTHORITY TO DESTROY OBSOLETE RECORDS**

The below-listed department records have been retained in accordance with the City’s Records Management Program Policy and Procedures and with applicable federal and state laws as set forth in the City of Lodi Retention Schedules. In accordance with the City’s Records Management Program, with the consent of the Department Head, and upon written approval of the City Clerk and City Attorney, these records will be properly destroyed/disposed of.

Note: Documents will be reviewed for historical value and, if applicable, retained in the archives. Documents involved in litigation or pending audit will not be destroyed.

Department: PRCS	Date: 3/2/20	Total No. of Pages: 2	Proposed Destruction Date: TBD
Division: ALL	Prepared By: Terri Lovell	Signature: 	
Record Series Title (Same as Retention Schedule)	Dates of Records (From and To)	Storage Location	Box No.
After School Program Enrollment Forms (GC12946 – CL+3)	2013 - 2014	PRCS ADMIN.	1, 2
Facility Rental Permits (GC34090 – CU+2)	2016 – 2017	PRCS ADMIN.	3, 4
Fingerprint Forms (GC34090 – T+2)	2016 – 2017	PRCS ADMIN.	5
Invoices (GC34090 – AU+4)	2014 – 2017	PRCS ADMIN./HSS	6 - 8
Coaches Applications (GC12946 – CL + 3)	2013 - 2014	PRCS ADMIN.	9 - 11
CalCard Statements (GC34090 – AU + 4)	2015 - 2016	PRCS ADMIN.	12 - 14
Personnel Action Forms (GC34090; GC6250 – CU + 2)	2009 - 2017	PRCS ADMIN.	15 - 18
Publicity (HSS) (GC34090 – CU + 2)	2010 – 2015	HSS	19 - 21
Rental Refunds (HSS) (GC34090 – AU + 4)	2012 - 2016	HSS	22 - 25
Reconciliation Reports (GC34090 – AU + 2)	2016	HSS	26, 27
Daily Deposit Recap (HSS) (GC34090; CCP 337 – AU + 4)	2012 -2013	HSS	28 - 30
Theatre Settlements (HSS) (GC34090 – AU+4)	2010	HSS	31 - 33
Instructor Claim Vouchers (HSS) (CG34090 – AU + 4)	2012 - 2015	HSS	34 - 37
Charter School Invoices (CG34090 – AU + 4)	2012 – 2015	HSS	38, 39





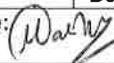


City of Lodi

**AUTHORITY TO DESTROY OBSOLETE RECORDS**

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*Note: Documents will be reviewed for historical value and, if applicable, retained in the archives. Documents involved in litigation or pending audit will not be destroyed.*

<b>Department:</b> Internal Services	<b>Date:</b> 2/27/2020	<b>Total No. of Pages:</b> 2	<b>Proposed Destruction Date:</b> TBD
<b>Division:</b> Human Resources	<b>Prepared By:</b> Maryam Hussain	<b>Signature:</b> 	
<b>Record Series Title (Same as Retention Schedule)</b>	<b>Dates of Records (From and To)</b>	<b>Storage Location</b>	<b>Box No.</b>
Hourly Employees T + 6; GC12946; GC34090*29 CFR 1627.3, Labor Relations Section 1174	All files prior to December 31, 2013	Basement 221 W. Pine St.	
Motor Vehicle Pulls (DMV) CL + 7; GC12946, *CA91009; 8 USC 1324 (a)	All files prior to December 31, 2012	Basement 221 W. Pine St.	
Non-Safety Employees T + 3; Reference: 29 CFR 1627.3; CCR Sec 1174; 29 CFR 1602.30.32; GC6250 et seq; 29 CFR; GC 12946, 34090*1607.4; 29 CFR 655.202; 29 CFR 516.6 et seq; 45 CFR	All files prior to December 31, 2016	Basement 221 W. Pine St.	
Recruitment CL + 3; Reference: GC12946; GC6250 et seq; 29 CFR 1602 et seq 29 CFR 1607; 29CFR 1627.3	All files prior to December 31, 2016	Basement 221 W. Pine St.	
Safety Employees T + 5; Reference 29 CFR 16273; CCR Sec 1174; 29 CFR 1607.4; *29 CFR 1602.30.32; 29 CFR 655.202; 29 CFR 516.6 et seq; 45 CFR 1068.6(a)	All files prior to December 31, 2014	Basement 221 W. Pine St.	
Surveys and Studies CU + 2; GC 12946, 34090; 29 CFR 516.6(2); 29 CFR 1602.14	All files prior to December 31, 2017	Basement 221 W. Pine St.	

Department Head: Andrew Keys Date: 3/2/2020

City Clerk: Pamela M. Ferris Date: 3/31/2020

Attachment A – Form 4 (Authority to Destroy Records)

\*Signature certifies a City Attorney assessment that records are not relevant to existing or anticipated litigation.

City of Lodi

Consent is hereby given to destroy the above-listed records:

\*City Attorney:  \_\_\_\_\_ Date: 03/24/2020

Destruction Completed By: \_\_\_\_\_

---

Printed Name

Signature

Date

City of Lodi

**AUTHORITY TO DESTROY OBSOLETE RECORDS**

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<b>Department:</b> Internal Services	<b>Date:</b> 2/27/2020	<b>Total No. of Pages:</b> 2	<b>Proposed Destruction:</b> TBD
<b>Division:</b> Accounting	<b>Prepared By:</b> Candice Alaniz		<b>Signature:</b>
<b>Record Series Title</b> (Including Statutory Reference and Retention)	<b>Dates of Records</b> (From and To)	<b>Storage Location</b>	<b>Box No.</b>
Accounts Payable Claims GC34090 AU+4 years	2010-2015	Basement (Hall)	
Accounts Payable Claims GC34090 AU+4 years	1993-2011	Basement (Storage)	
Accounts Payable Claims GC34090 AU+4 years	1990-1998	Transit	
Bank Reconciliation GC 34090 AU+5 Years	1990-1995	Transit	
Bank Reconciliation GC 34090 AU+5 Years	1995-2014	Basement (Storage)	
Budget Adjustments, Journal Entries GC 34090 AU+2 years	1987-2015	Basement (Storage)	
Budget Adjustments, Journal Entries GC 34090 AU+2 years	1991-1992	Transit	
Federal and State Grants/Financial Records GC34090 CL+5 years	1998-2011	Basement (Storage)	
Fixed Assets Inventory GC34090 AU+4 years	1999-2013	Basement (Storage)	
Reports GC 34090 AU+4 years	2013-2014	Basement (Hall)	
Reports GC 34090 AU+4 years	1990-2011	Basement (Storage)	

Taxes, Receivable CCP338 AU+3 Years	1992-2004	Basement (Storage)	
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Department Head: mmmmmm

Date: 2/27/2020

City Clerk: Pamela M. Farris

Date: 3/31/2020

Consent is hereby given to destroy the above-listed records:

\*City Attorney: 

Date: 03/24/2020

Destruction Completed By:

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Printed Name	Signature	Date
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Attachment A – Form 4 (Authority to Destroy Records)

*\*Signature certifies a City Attorney assessment that records are not relevant to existing or anticipated litigation*

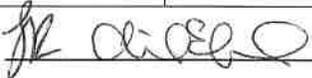
City of Lodi

**AUTHORITY TO DESTROY OBSOLETE RECORDS**

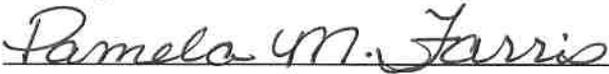
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Department: Public Works	Date: 2/24/20	Total No. of Pages: 1	Proposed Destruction
Division: WWWW/Streets	Prepared By: Tosha Wiman	Signature:	
Record Series Title (Including Statutory Reference and Retention)	Dates of Records (From and To)	Storage Location	Box No.
Personnel Records (copies) (GC 34090 – 2 years)	2016-2017	MSC	1
Employee Time Sheets (GC 34090 – 6 years)	2012	MSC	2
Employee Time Sheets (part-time) (GC 34090 – 6 years)	2011-2014	MSC	3
Employee Time Sheets (GC 34090 – 6 years)	2010-2011	MSC	4
Employee Time Sheets (GC 34090 – 6 years)	2012-2013	MSC	5
Employee Time Sheets (GC 34090 – 6 years)	2014	MSC	6
Finance Vouchers & Employee Reimbs. (GC 34090 – 4 years)	2011-2012	MSC	7
Landscape (GC 34090 – 2 years)	1995, 2001-2004	MSC	8
Landscape (GC 34090 – 2 years)	2011-2012	MSC	9

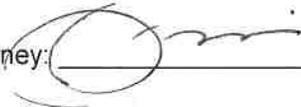
Department Head: 

Date: 2-25-20

City Clerk: 

Date: 3/31/2020

Consent is hereby given to destroy the above-listed records:

\*City Attorney: 

Date: 03/24/2020

Destruction Completed By:

Printed Name

Signature

Date

Attachment A – Form 4 (Authority to Destroy Records)

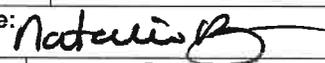
*\*Signature certifies a City Attorney assessment that records are not relevant to existing or anticipated litigation*

City of Lodi

**AUTHORITY TO DESTROY OBSOLETE RECORDS**

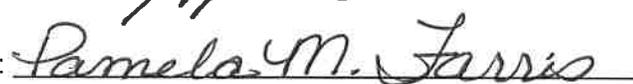
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Note: Documents will be reviewed for historical value and, if applicable, retained in the archives. Documents involved in litigation or pending audit will not be destroyed.

Department: Electric Utility	Date: 2/21/20	Total No. of Pages: 1	Proposed Destruction: May 15th
Division: Administration	Prepared By: Jennifer Whiteman	Signature: 	
<b>Record Series Title</b> (Including Statutory Reference and Retention)	<b>Dates of Records</b> (From and To)	<b>Storage Location</b>	<b>Box No.</b>
<b>Invoices</b> GC34090 et seq. – 2 years	2017-2018	EU/Admin	EU-01
<b>Accounts Receivable</b> GC34090 et seq. – 4 years	2016	EU/Admin	EU-01
<b>Applications</b> GC34090 et seq. – 2 years	2017	EU/Admin	EU-01

Department Head: 

Date: 2.24.20

City Clerk: 

Date: 3/31/2020

Consent is hereby given to destroy the above-listed records:

\*City Attorney: 

Date: 03/26/2020

Destruction Completed By:

Printed Name

Signature

Date

\*Signature certifies a City Attorney assessment that records are not relevant to existing or anticipated litigation

City of Lodi

**AUTHORITY TO DESTROY OBSOLETE RECORDS**

The below-listed department records have been retained in accordance with the City's Records Management Program Policy and Procedures and with applicable federal and state laws as set forth in the City of Lodi Retention Schedules. In accordance with the City's Records Management Program, with the consent of the Department Head, and upon written approval of the City Clerk and City Attorney, these records will be properly destroyed/disposed of.

*Note: Documents will be reviewed for historical value and, if applicable, retained in the archives. Documents involved in litigation or pending audit will not be destroyed.*

<b>Department:</b> City Clerk	<b>Date:</b> 1/8/20	<b>Total No. of Pages:</b> Unknown	<b>Proposed Destruction Date:</b> 5/15/20
<b>Division:</b> Elections and Operations	<b>Prepared By:</b> Pamela Farris		<b>Signature:</b> <i>Pamela M. Farris</i>
<b>Record Series Title</b> (Same as Retention Schedule)	<b>Dates of Records</b> (From and To)	<b>Storage Location</b>	<b>Box No.</b>
<b><u>OPERATIONS:</u></b>			
City Clerk/City Council Calendars (GC 34090 et seq. – 2 years)	2017 and prior	All records listed are currently stored in the City Clerk's Office and/or vaults.	Not Applicable
City Clerk/City Council Travel (GC 34090 et seq. – 2 years)	2017 and prior		
City Clerk/City Council Departmental Budget Copies (GC 34090 et seq. – 2 years)	2017 and prior		
City Clerk/City Council General Correspondence (GC 34090 et seq. – 2 years)	2017 and prior		
City Council Regular / Special Meeting Packets (Available in e-Records) (GC 34090 et seq. – 2 years)	2017 and prior		
Shirtsleeve Session Meeting Packets (Available in e-Records) (GC 34090 et seq. – 2 years)	2017 and prior		
Regular/Special/Shirtsleeve Session Meeting Recording Audio/Video (GC 34090.7 – Current + 3 months)	2018 and prior		
Hardcopy Closed Session Minutes (GC 34090, 34090.5 – 2 years) (Closed Session Minutes Kept Permanently Electronically)	2018 and prior		
Board, Committee, Commission Applications and Correspondence – Selected (GC 34090, 40801 – 5 years)	2014 and prior		
Board, Committee, Commission Applications and Correspondence – Not Selected (GC 34090 – 2 years)	2017 and prior		
Legal Advertising/Proof of Publications (CCP 343, 349 et seq., GC 911.2, 34090 – 4 years)	2015 and prior		

Attachment A – Form 4 (Authority to Destroy Records)

*\*Signature certifies a City Attorney assessment that records are not relevant to existing or anticipated litigation.*

## City of Lodi

Petitions to Legislative Body <i>(GC 6253, 50115 – 1 year)</i>	2018 and prior		
Public Hearing Notices <i>(GC 34090 – 2 years)</i>	2017 and prior		
Public Records Act Requests <i>(GC 34090 – 2 years)</i>	2017 and prior		
Protests from City Council Public Hearings – Water / Wastewater / Electric Utility Rates <i>(GC 34090 – 2 years)</i>	2017 and prior		
Protests from City Council Public Hearings – All Other <i>(GC 34090 – 2 years)</i>	2017 and prior		
Taxicab/Pedicab Permits (Autos for Hire) <i>(GC 34090 – Termination + 4 years)</i>	2015 and prior		
Weed Abatement Files <i>(GC 34090 – 2 years)</i>	2017 and prior		
<b><u>ELECTIONS:</u></b>			
Election Calendars <i>(GC 34090 – Election + 2 years)</i>	2017 and prior		
Certificates of Election <i>(GC 34090 – Election + 2 years)</i>	2017 and prior		
Nomination Papers – Elected and Non-Elected <i>(EC 17100 – Term + 4 years)</i>	2013 and prior		
Notices and Publications <i>(GC 34090 – Election + 2 years)</i>	2014 and prior		
Oaths of Office <i>(GC 34090, 29 USC 1113 – Term + 6 years)</i>	2011 and prior		
Petitions – Initiatives, Recalls, Referendums <i>(EC 14700, 17200, 17400, GC 7253.5, 3756.8 – Election + 8 months)</i>	2018 and prior		
Candidate Statements <i>(GC 34090 – Election + 2 years)</i>	2016 and prior		
<b><u>FPPC:</u></b>			
Form 460 - Campaign Disclosure Statements, Non-Elected <i>(GC 81009 – Current + 7 years, Elected-Permanent)</i>	2012 and prior		
Form 460 – Campaign Disclosure Statements, Committees <i>(GC 81009 – Current + 7 years)</i>	2012 and prior		
Form 700 - Statements of Economic Interest – Administration/Employees <i>(FPPC Opinions – Current + 7 years)</i>	2012 and prior		
Form 700 - Statements of Economic Interest – Elected <i>(GC 81009 – Current + 7 years)</i>	2012 and prior		
Form 700 - Statements of Economic Interest – Non-Elected <i>(GC 81009 – Current + 7 years)</i>	2012 and prior		
Form 801 – Gifts to Agency <i>(GC 81009 – Current + 7 years)</i>	2012 and prior		

Attachment A – Form 4 (Authority to Destroy Records)

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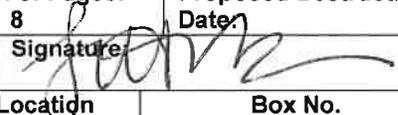


City of Lodi

**AUTHORITY TO DESTROY OBSOLETE RECORDS**

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<b>Department:</b> Public Works	<b>Date:</b> 2/4/2020	<b>Total No. of Pages:</b> 8	<b>Proposed Destruction Date:</b>
<b>Division:</b> Administration/Engineering	<b>Prepared By:</b> Tiffani Christy		<b>Signature:</b> 
<b>Record Series Title</b> (Same as Retention Schedule)	<b>Dates of Records</b> (From and To)	<b>Storage Location</b>	<b>Box No.</b>
2011 Alley Reconstruction Project (Alley N. of Tokay St., Stockton St., to Washington.; Alley No. of Eden St., Washington St. to Garfield St.) CDBG Project - CC34090 – 2 years	2012 and prior	City Hall	
2011 Alley Reconstruction Project (Alley N. of Tokay St., Stockton St., to Washington.; Alley No. of Eden St., Washington St. to Garfield St.) CDBG Project Specs - CC34090 – 2 years	2012 and prior	City Hall	
2011 Disabled Access Improvements (100 Block West Elm Street and 111 North Stockton Street - CC34090 – 2 years	2012 and prior	City Hall	
2011 Disabled Access Improvements (100 Block West Elm Street and 111 North Stockton Street (Specifications) - CC34090 – 2 years	2012 and prior	City Hall	
2013-2015 Sidewalk Grinding Program - CC34090 – 2 years	2017 and prior	City Hall	
2013-2015 Tree Maintenance - CC34090 – 2 years	2017 and prior	City Hall	
2015-2016 Landscape Maintenance of Misc. Areas and Lodi Consolidated Landscape Assessment District No. 2003-1 - CC34090 – 2 years	2017 and prior	City Hall	
2015-2017 Sidewalk and Concrete	2017 and prior	City Hall	

Attachment A – Form 4 (Authority to Destroy Records)

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## City of Lodi

Repair, Various Locations - CC34090 – 2 years			
2016 Downtown Concrete Cleaning Project - CC34090 – 2 years	2017 and prior	City Hall	
2016 Extruded Traffic Stripes- CC34090 – 2 years	2017 and prior	City Hall	
2017 Finance Parking Lot Resurfacing Project - CC34090 – 2 years	2017 and prior	City Hall	
3D Data Com - Security Maintenance Services - CC34090 – 2 years	2017 and prior	City Hall	
Aegis ITS, Inc. - Pole Replacement at Lodi Avenue and Mills Avenue - CC34090 – 2 years	2017 and prior	City Hall	
Baumbach & Piazza - Hary Lane Grade Sep - CC34090 – 2 years	2016 and prior	City Hall	
Bear Electrical Solutions, Inc. - Pole Replacement at Tokay Street and Cherokee Lane - CC34090 – 2 years	2017 and prior	City Hall	
Beckman Park Storm Water Pump Station Improvement Project - CC34090 – 2 years	2017 and prior	City Hall	
Bid Tabs (1997-2015) - CC34090 – 2 years	2017 and prior	City Hall	
City Hall Annex First Floor - Phase 2 Interior Remodel Project - Weekly Meeting Notes - CC34090 – 2 years	2017 and prior	City Hall	
City Hall Annex First Floor- Phase 2 Interior Remodel Project - CC34090 – 2 years	2017 and prior	City Hall	
City Hall Annex First Floor- Phase 2 Interior Remodel Project - Change Orders - CC34090 – 2 years	2017 and prior	City Hall	
City Hall Annex First Floor- Phase 2 Interior Remodel Project (Bid Proposals) - CC34090 – 2 years	2017 and prior	City Hall	
Downtown Angle Parking - CC34090 – 2 years	2004 and prior	City Hall	

### Attachment A – Form 4 (Authority to Destroy Records)

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## City of Lodi

Elm Street Asphalt Concrete Overlay (Hutchins Street to Church Street) Construction File #1 & Specifications - CC34090 – 2 years	2012 and prior	City Hall	
Empire Today, LLC - CC34090 – 2 years	2017 and prior	City Hall	
Federal Transit Administration (FTA) Drug & Alcohol Audit – File #1 (2007 – 2008) - CC34090 – 2 years	2014 and prior	City Hall	
Fehr & Peers – Traffic Study/Technical Memorandum for Lockeford Street Improvements Project - CC34090 – 2 years	2017 and prior	City Hall	
Garland DBS, Inc. - HSS Roof Restoration - Phase 3 - CC34090 – 2 years	2017 and prior	City Hall	
Garland DBS, Inc. - HSS Roof Section C Restoration - CC34090 – 2 years	2017 and prior	City Hall	
Garland DBS, Inc. - Salas Park Restroom Roof Replacement - CC34090 – 2 years	2017 and prior	City Hall	
Ham Lane Signal Modification Improvements 2015 – Vine, Tokay, and Lockeford Street - CC34090 – 2 years	2016 and prior	City Hall	
LaRue Communications - Radio Communications (Transit) 5660- CC34090 – 2 years	2017 and prior	City Hall	
Lodi Public Library Children's Area Expansion - CC34090 – 2 years	2017 and prior	City Hall	
Lodi Public Library Children's Area Expansion – Specifications - CC34090 – 2 years	2017 and prior	City Hall	
Lodi Unified School District CNG Fueling Station Agreement - CC34090 – 2 years	2015 and prior	City Hall	
Municipal Service Center (MSC) Transit Vehicle Maintenance Facility Solar Power Project - CC34090 – 2 years	2012 and prior	City Hall	

### Attachment A – Form 4 (Authority to Destroy Records)

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## City of Lodi

Municipal Service Center (MSC) Transit Vehicle Maintenance Facility Solar Power Project (Certified Payroll) - CC34090 – 2 years	2012 and prior	City Hall	
Municipal Service Center (MSC) Transit Vehicle Maintenance Facility Solar Power Project (Contract Payments) (Contract Change Orders) - CC34090 – 2 years	2012 and prior	City Hall	
Municipal Service Center (MSC) Transit Vehicle Maintenance Facility Solar Power Project) Specifications/RFP/Bids - CC34090 – 2 years	2012 and prior	City Hall	
NBS - Annual Engineers Reports (3792) - CC34090 – 2 years	2017 and prior	City Hall	
Petralogix Engineering, Inc. - Engineering & Environmental Services (CEQA) - CC34090 – 2 years	2017 and prior	City Hall	
Petralogix Engineering, Inc. - Proposition 84 Grant Funding Assistance WSWPCF Award - CC34090 – 2 years	2017 and prior	City Hall	
Petralogix Engineering, Inc.- Prop 84- Grant Funding Proposal, White Slough Waste Water Treatment Plant - CC34090 – 2 years	2017 and prior	City Hall	
Reports – State and Federal/COG Bills File #1 (Moved to Closed Files/2020) - CC34090 – 2 years	2014 and prior	City Hall	
Shady Acres Pump Station Trash Handling Project – Certified Payroll - CC34090 – 2 years	2016 and prior	City Hall	
SNG & Associates, Inc. - Rose Gate Reimbursement Agreement - CC34090 – 2 years	2017 and prior	City Hall	
Sunrise Consulting, Inc. (ITS) - CC34090 – 2 years	2017 and prior	City Hall	
Terracon Consultant's Inc. - Construction Testing and Inspection,	2017 and prior	City Hall	

Attachment A – Form 4 (Authority to Destroy Records)

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## City of Lodi

Various City Projects - CC34090 – 2 years			
Terracon Consultant's Inc. - Construction Testing and Inspection, Various City Projects - Certified Payroll - CC34090 – 2 years	2017 and prior	City Hall	
Terracon Consultant's Inc. - Construction Testing and Inspection, Various City Projects – Reports - CC34090 – 2 years	2017 and prior	City Hall	
Tim Paxin's Pacific Excavation, Inc. - Signal Pole Replacement NW Corner Turner Road and Mills Avenue- CC34090 – 2 years	2017 and prior	City Hall	
Transit Service Reductions - CC34090 – 2 years	2014 and prior	City Hall	
Transit Station Facility Improvement Project - CC34090 – 2 years	2013 and prior	City Hall	
Transit Station Facility Improvement Project - Certified Payroll - CC34090 – 2 years	2013 and prior	City Hall	
Transit Station Facility Improvement Project - RFP/Bids - CC34090 – 2 years	2013 and prior	City Hall	
Wastewater Main Rehabilitation Program Project No. 6 - CC34090 – 2 years	2015 and prior	City Hall	
Well 10C Rehabilitation Project - CC34090 – 2 years	2017 and prior	City Hall	
Well 10C Rehabilitation Project - Certified Payroll - CC34090 – 2 years	2017 and prior	City Hall	
Well 23 GAC Replacement Project - CC34090 – 2 years	2017 and prior	City Hall	
West Yost Associates - Task Order No. 41 - CC34090 – 2 years	2017 and prior	City Hall	
White Slough (WSWPCF) Farm Irrigation Improvement – Phase 1 - CC34090 – 2 years	2015 and prior	City Hall	

### Attachment A – Form 4 (Authority to Destroy Records)

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## City of Lodi

WMB Architects, Inc - HSS North Entrance ADA Access - CC34090 – 2 years	2017 and prior	City Hall	
WMB Architects, Inc, - CC34090 – 2 years	2017 and prior	City Hall	
2012 ADA Access Improvement Project, Various Locations - Specifications (Sept 2012 only) - CC34090 – 2 years	2012 and prior	City Hall	
2012 ADA Access Improvement Project, Various Locations (March 2013 - November 2012) - CC34090 – 2 years	2012 and prior	City Hall	
Lodi Avenue Improvement Project (Lodi Avenue Reconstruction – UPRR to Cherokee Lane) (ESPL 5154) (036) Certified Payroll and Preliminary Notices (File #1) - CC34090 – 2 years	2012 and prior	City Hall	
Lodi Avenue Improvement Project (Lodi Avenue Reconstruction – UPRR to Cherokee Lane) (ESPL 5154) (036) CONTRACT CHANGE ORDERS, contract items, pay quantity, extra work report (3/10 thru 3/11) - CC34090 – 2 years	2012 and prior	City Hall	
Lodi Avenue Improvement Project (Lodi Avenue Reconstruction – UPRR to Cherokee Lane) (ESPL 5154) (036) CONTRACT PAYMENTS (4/10 thru 7/11) - CC34090 – 2 years	2012 and prior	City Hall	
Lodi Avenue Improvement Project (Lodi Avenue Reconstruction – UPRR to Cherokee Lane) (ESPL 5154) (036) SJCOG MEASURE K SMART GROWTH & CO-OP AGREEMENT & MEASURE K PAYMENTS (9-09 thru 2/11) - CC34090 – 2 years	2012 and prior	City Hall	
Lodi Public Library Phase 1 Remodel Project – CDBG - CC34090 – 2 years	2011 and prior	City Hall	
Lodi Public Library Phase 1 Remodel Project Plans and Specifications - CC34090 – 2 years	2011 and prior	City Hall	

### Attachment A – Form 4 (Authority to Destroy Records)

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## City of Lodi

SJCOG – CMAQ 200I (In 2019 Destruction Box #1 @ Lodi Parking Structure) - CC34090 – 2 years	2011 and prior	City Hall	
2012 Alley Reconstruction Project (Alley No. of Pine St. Stockton to Washington St.) (alley No. of Flora Street, Garfield to Cherokee Lane) (CDBG) April 2012 – Jan 2013- CC34090 – 2 years	2013 and prior	City Hall	
2012 Alley Reconstruction Project (Alley No. of Pine St. Stockton to Washington St.) (alley No. of Flora Street, Garfield to Cherokee Lane) (CDBG) Specifications March 2012 – April 2012 - CC34090 – 2 years	2013 and prior	City Hall	
Lodi Ave Design and Environmental 9/07 – 9/09 - CC34090 – 2 years	2012 and prior	City Hall	
Lodi Avenue Improvement Project (Lodi Avenue Reconstruction – UPRR to Cherokee Lane) (ESPL 5154) (036) (Specifications and DBS Information) - CC34090 – 2 years	2012 and prior	City Hall	
Lodi Avenue Improvement Project (Lodi Avenue Reconstruction – UPRR to Cherokee Lane) (ESPL 5154) (036) (Specifications and DBS Information) Date: 06/09 thru 9/2009 - CC34090 – 2 years	2012 and prior	City Hall	
Lodi Avenue Improvement Project (Lodi Avenue Reconstruction – UPRR to Cherokee Lane Contractor Correspondence, General Correspondence, and Project Personnel (ESPL 5154) (036) Date: 8/3/10 only - CC34090 – 2 years	2012 and prior	City Hall	
Lodi Avenue Improvement Project (Lodi Avenue Reconstruction – UPRR to Cherokee Lane) Testing and Inspections (5/10 – 3/11) - CC34090 – 2 years	2012 and prior	City Hall	
Lodi Avenue Improvement Project (Reconstruction – UPRR to Cherokee Lane Bids from Contractors (ESPL 5154) (036) 9/09 thru Oct. 2009) -	2012 and prior	City Hall	

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City of Lodi

**AUTHORITY TO DESTROY OBSOLETE RECORDS**

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Department:	Date:	Total No. of Pages:	Proposed Destruction
Division:	Prepared By: <u>SGT. KEVIN KEAT</u>	Signature: 	
Record Series Title (Including Statutory Reference and Retention)	Dates of Records (From and To)	Storage Location	Box No.
IA 13-04 Government Code 34090	June 2013 to July 2013	OPS	
IA 13-07 Government Code 34090	December 2013 to March 2014	OPS	
IA 14-01 Government Code 34090	June 2014 to September 2014	OPS	
IA 14-02 Government Code 34090	June 2014 to November 2014	OPS	
IA 14-03 Government Code 34090	June 2014 to July 2014	OPS	
IA 14-04 Government Code 34090	August 2014 to March 2015	OPS	
IA 14-08 Government Code 34090	December 2014 to January 2015	OPS	
IA 14-09 Government Code 34090	January 2014 to February 2015	OPS	
MakeNote File Government Code 34090	January 1, 2018 to December 31, 2019	OPS	

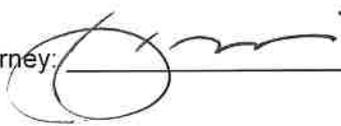
Department Head: 

Date: 022420

City Clerk: Pamela M. Ferris

Date: 3/31/2020

Consent is hereby given to destroy the above-listed records:

\*City Attorney:  \_\_\_\_\_

Date: 03/29/2020

Destruction Completed By: \_\_\_\_\_

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Printed Name

Signature

Date

Attachment A – Form 4 (Authority to Destroy Records)

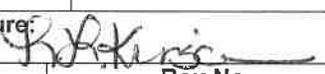
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City of Lodi

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<b>Department: POLICE</b>	<b>Date:02/10/20</b>	<b>Total No. of Pages:</b>	<b>Proposed Destruction TBD</b>
<b>Division: ADMINISTRATION</b>	<b>Prepared By: H. KIRSCHENMAN</b>	<b>Signature:</b> 	
<b>Record Series Title</b> (Including Statutory Reference and Retention)	<b>Dates of Records</b> (From and To)	<b>Storage Location</b>	<b>Box No.</b>
Administration/Internal Affairs Investigations	01/01/14-01/01/15 (GC34090)	Internal Affairs Sgt. File Cabinet	
Background Investigations and employment records of previous Lodi Police Department Employees	2015 and prior (GC34090)	Administration File Room	
Background Investigations (not hired)	2017 and prior (GC34090)	Administration File Room	
Subpoena Documents	2017 and prior (GC34090)	Administrative Secretary Desk	
Departmental Budget Copies	2016-2017 (GC34090)	Police Admin-Mgt. Analyst Office	
JAG Grant	2010 and prior (GC34090)	Police Admin-Mgt Analyst Office	
Parking Appeals	2017 and prior (GC34090.7)	Room 209	
Parking Citations	2017 and prior (GC34090.7)	Room 209	
Badge Ordering File	2017 and prior (GC34090)	Administrative Secretary Desk	
Coorespondence	2015 and prior	Administrative Secretary Desk	
Tuition Reimbursement File	2016 and prior (GC34090)	Administrative Secretary Desk	
Concealed Weapons Permit & Billing Records	Closure +2 (2017 and prior) GC34090	Administrative Secretary Desk	



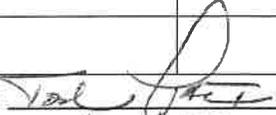


### AUTHORITY TO DESTROY OBSOLETE RECORDS

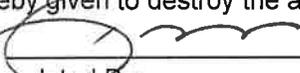
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<b>Department:</b> Police Department	<b>Date:</b> 02/25/2020	<b>Total No. of Pages:</b>	<b>Proposed Destruction</b> TBD
<b>Division:</b> Dispatch/Jail	<b>Prepared By:</b> Teresa Fulwiler	<b>Signature:</b> 	
<b>Record Series Title</b> (Including Statutory Reference and Retention)	<b>Dates of Records</b> (From and To)	<b>Storage Location</b>	<b>Box No.</b>
Jail Daily Logs	2013 and prior (GC34090)	Jail	

Department Head:   
 City Clerk: Pamela M. Jarvis

Date: 02/20/20  
 Date: 3/31/2020

Consent is hereby given to destroy the above-listed records:  
 \*City Attorney:   
 Destruction Completed By: \_\_\_\_\_

Date: 03/29/2020

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Printed Name \_\_\_\_\_ Signature \_\_\_\_\_ Date Attachment A – Form 4 (Authority to Destroy Records)

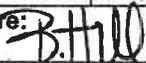
*\*Signature certifies a City Attorney assessment that records are not relevant to existing or anticipated litigation*

City of Lodi

**AUTHORITY TO DESTROY OBSOLETE RECORDS**

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<b>Department: POLICE</b>	<b>Date: 02/04/2020</b>	<b>Total No. of Pages:</b>	<b>Proposed Destruction Date: TBD</b>
<b>Division: RECORDS</b>	<b>Prepared By: B. HILL</b>	<b>Signature: </b>	
<b>Record Series Title (Same as Retention Schedule)</b>	<b>Dates of Records (From and To)</b>	<b>Storage Location</b>	<b>Box No.</b>
Traffic Citations	2017 & Prior (GC 34090)	LPD Records	
Arrest / Booking Sheets	2013 & Prior (GC 34090)	LPD Records	
Statistical Reports (UCR)	2017 & Prior (GC 34090)	LPD Records	
Permits – Permit Applications (Massage, Card Room, Peddler, Solicitor, Tow Truck, Pawnbroker, Secondhand Dealer etc.)	2017 & Prior (GC 34090)	LPD Records	
Subpoenas	2017 & Prior (GC 34090)	LPD Records	
Sealed Adult / Juvenile Reports	Destruction date 2018 and prior (PC 851.8, WIC 826(a)&(b), 781(a))	LPD Records	
C-Pouches	Misdemeanor arrest date 2009 & Prior (GC 34090)	LPD Records	
Live Scan Billing Records	2017 & prior (GC 34090)	LPD Records	
In Custody & Out of Custody Lists	2017 & Prior (GC 34090)	LPD Records	
Daily Cash Drawer Receipts	2017 & Prior (GC 34090)	LPD Records	
DMV Re-Exam forms	2017 & Prior (GC 34090)	LPD Records	
NCIC Reports	2017 & Prior	LPD Records	
CHP 180's	2017 & Prior (GC 34090)	LPD Records	
Scanned Documents	2017 & Prior (GC 34090)	LPD Records	
No Longer Interested Forms	2017 & Prior (GC 34090)	LPD Records	

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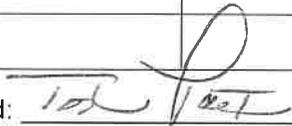
City of Lodi

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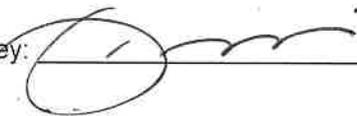
*Note: Documents will be reviewed for historical value and, if applicable, retained in the archives. Documents involved in litigation or pending audit will not be destroyed.*

Department: <u>Police Dept. Lodi Animal Shelter</u>	Date: <u>1-4-20</u>	Total No. of Pages: <u>1</u>	Proposed Destruction
Division: <u>Lodi Animal Services</u>	Prepared By: <u>Jennifer Bender</u>	Signature: <u>Jeff Bell</u>	
Record Series Title (Including Statutory Reference and Retention)	Dates of Records (From and To)	Storage Location	Box No.
<u>GC34090 Billing Records - Copies of Animal Licenses</u>	<u>2014 Jan-Dec</u>	<u>Animal Shelter</u>	<u>1-3</u>
<u>GC34090 Bite - Billing Reports</u>	<u>2014 Jan-Dec</u>	<u>Animal Shelter</u>	<u>4</u>
<u>GC34090 Billing Records - Animal Shelter Receipts</u>	<u>2014 Jan-June</u>	<u>Animal Shelter</u>	<u>5</u>
<u>GC34090 Billing Records - Animal Shelter Receipts</u>	<u>2014 July-Dec</u>	<u>Animal Shelter</u>	<u>6</u>

Department Head:  Date: 022020

City Clerk: Pamela M. Farris Date: 3/31/2020

Consent is hereby given to destroy the above-listed records:

\*City Attorney:  Date: 03/29/2020

Destruction Completed By:

---

Printed Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

\*Signature certifies a City Attorney assessment that records are not relevant to existing or anticipated litigation



**AUTHORITY TO DESTROY OBSOLETE RECORDS**

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<b>Department: Administration</b>	<b>Date: March 25, 2020</b>	<b>Total No. of Pages: 1</b>	<b>Proposed Destruction Date: TBD</b>
<b>Division: City Attorney</b>	<b>Prepared By: Peggy Nicolini</b>	<b>Signature:</b>	
<b>Record Series Title (Same as Retention Schedule)</b>	<b>Dates of Records (From and To) Date files closed</b>	<b>Storage Location</b>	<b>Box No.</b>
Litigation Cases –CL +3 CCP 583.320(a)(3); GC34090	2014-2016	Vault	1 & 2
Bankruptcy CLOSE +3 - PER CCP 583.320(a)(3); GC34090)	2010-2015	City Attorney's Office	3
California Public Records Act Requests– CL +2 Years GC34090	2014-2015	City Attorney's Office	4
Subpoenas for Miscellaneous, Personnel, Public Records – CL +3 CCP 583.320(a)(3); GC34090	2012-2016	City Attorney's Office	3 & 5
Small Claims– CL +3 CCP 583.320(a)(3); GC34090	2014-2015	City Attorney's Office	5
Pitchess Motions – CL +3 CCP 583.320(a)(3); GC34090	2014-2017	City Attorney's Office	2 & 5
Misc. Subject Files	2005-2017	City Attorney's Office	4 & 5
Personnel Issues – CL +5	2000-2015	City Attorney's Office Vault	4, 6 10, 11, 12
Lodi Municipal Code Violations/Arrestment Docs	2010-2018	City Attorney's Office	7, 8, 9

Department Head:  Date: 04/06/2020  
 City Clerk: Pamela McTurbo Date: 4/8/2020  
 Consent is hereby given to destroy the above-listed records:  
 \*City Attorney:  Date: 04/04/2020  
 Destruction Completed By: \_\_\_\_\_

Printed Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

\*Signature certifies a City Attorney assessment that records are not relevant to existing or anticipated litigation.



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Consider Adopting a Resolution Adopting a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program for the City of Lodi Police Training Facility

**MEETING DATE:** April 15, 2020

**PREPARED BY:** Community Development Director

---

**RECOMMENDED ACTION:** Adopt a resolution thereby adopting a mitigated negative declaration and associated mitigation monitoring and reporting program for the City of Lodi Police Training Facility.

**BACKGROUND INFORMATION:** The City of Lodi is proposing the construction of an approximate 20-acre Police Training Facility (Project) to be located approximately 6.5 miles west of the City of Lodi within the City-owned White Slough Water Pollution Control Facility (WPCF). The Project is located in a primarily agricultural area, adjacent to Interstate 5 and 1.2 miles south of Highway 12 (see Figure 1) The WPCF address is 12751 North Thornton Road, Lodi, California.

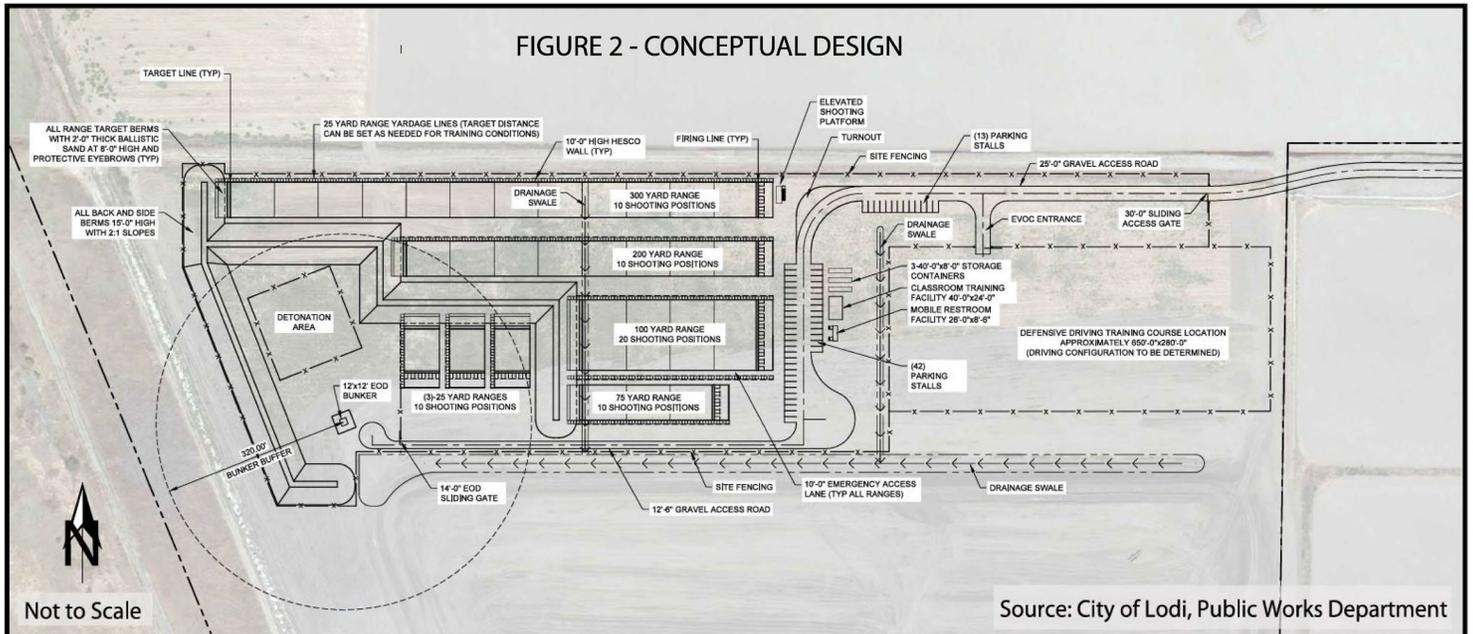
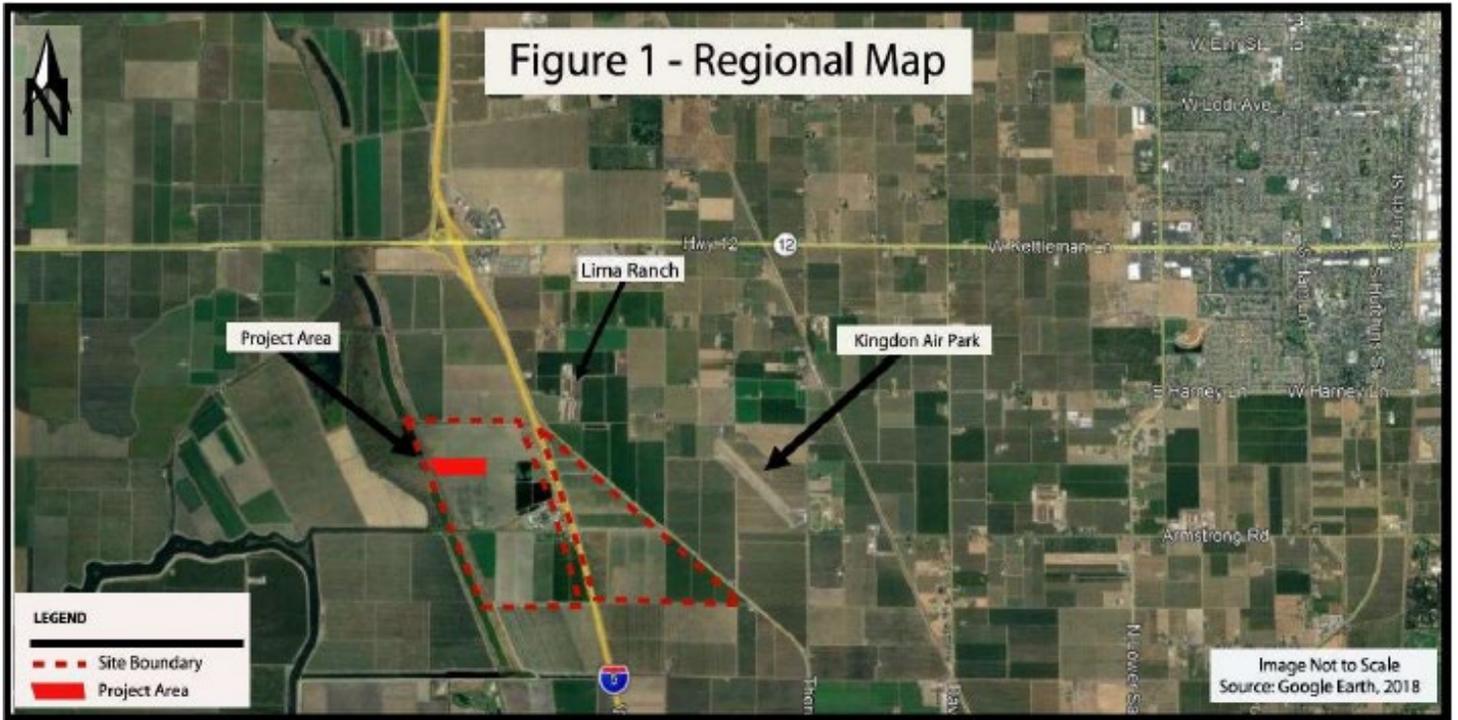
The Project will provide the necessary long-term police training facility required to properly train and certify the Police Department on a consistent basis, as well as offer some “open to the public” opportunities such as scheduled hunter safety courses or local shooting club competition space.

The Project is currently at the conceptual design phase. It is anticipated that on-site facilities and improvements will include shooting ranges of lengths ranging from 25-yards to 300-yards, training classroom, storage containers, a detonation area, and site improvements such as roads and parking, security fencing, night lighting and landscaping (see Figure 2). The site will be excavated to a depth of 6 to 18 inches to generate materials for construction of on-site berms. No import or export of soils is anticipated in the construction of the Project.

Sited within the WPCF property, consideration was given to the long-term operational needs of the WPCF. The WPCF consists of approximately 1,026 acres of land, including the treatment facilities, the existing recycled water storage facilities and surrounding City-owned agricultural fields. The 20-acre Project site was once used as part of the secondary effluent disposal area and was used for farming operations. When the DWR Prop 84 Ponds Project was developed a total of 90 acres was removed from service. 70 acres were taken for the pond with an additional 20 for the Lay Down Area. The Police Training Facility is now proposed to be in that 20-acre Lay Down Area. The WPCF modified operational flows to account for the use of this area, and repurposed other farm field locations for the secondary treatment, thereby avoiding negative impacts to the WPCF. Effects of these operational changes were analyzed in the previous DWR Prop 84 Ponds Project environmental review.

---

APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager



As mandated by State law, City staff prepared an Initial Study/ Mitigated Negative Declaration (File No. 2020-01 MND) in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder. The minimum public review period is 30 days and the proposed Mitigated Negative Declaration was circulated for a 30-day public review period, beginning on Friday, February 14, 2020 and ending on Sunday, March 15, 2020.

On February 14, 2020, the Notice of Completion (NOC) of the Draft Initial study/Mitigated Negative Declaration was prepared and distributed to the State Clearing House, reviewing agencies, responsible agencies, trustee agencies, and the county clerk in which the project is located as well as all persons requesting notice.

The Notice of Availability for the proposed Mitigated Negative Declaration was published in the Lodi News Sentinel on February 19, 2020 and was distributed to property owners within 1,000 feet of the project boundary on February 20, 2020.

The City received two comment letters during the public review period and the comments were responded to and incorporated into the Final Mitigated Negative Declaration. The comment letter received was submitted by the California Department of Toxic Substances Control (DTSC). Comments from DTSC related to the potential for historic and/or future uses of the project site and the larger WPCF activities to release hazardous wastes or substances on the Project site. The Project IS/MND was amended in response to DTSC comments.

The Community Development Department has determined that all environmental impacts that result from this project can be mitigated to a less than significant level, and the Council is being requested to open the public hearing, take comments from any concerned citizens and trustee agencies and then make the required findings to certify the document. Based upon this meeting future contract and design documents will be reviewed by the Council for approval.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

---

John R. Della Monica, Jr.  
Community Development Director

Attachments:  
Exhibit A – Mitigated Negative Declaration and Appendices

**Final**

**Initial Study/  
Mitigated Negative  
Declaration**

**For the**

**City of Lodi – Police  
Training Facility Project**



RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL ADOPTING A  
MITIGATED NEGATIVE DECLARATION AND ASSOCIATED  
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE  
CITY OF LODI POLICE TRAINING FACILITY PROJECT;  
STATE CLEARING HOUSE NO. 2020029054

=====

WHEREAS, the City of Lodi has proposed to construct a Police Training Facility (Project) to be located at the White Slough Water Pollution Control Facility in unincorporated northern San Joaquin County and to the west of the City of Lodi; and

WHEREAS, an Initial Study/ Mitigated Negative Declaration (File No. 2020-01 MND) was prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder; and

WHEREAS, the Community Development Department has determined that all environmental impacts that may result from this project can be mitigated to a less than significant level; and

WHEREAS, on January 14, 2020 the Notice of Completion (NOC) of the Draft Initial Study/Mitigated Negative Declaration was prepared and distributed to the State Clearing House, reviewing agencies, responsible agencies, trustee agencies, and the county clerk in which the project is located, as well as all persons requesting notice; and

WHEREAS, the Notice of Availability for the proposed Mitigated Negative Declaration was published in the Lodi News Sentinel on February 19, 2020; and

WHEREAS, on February 20, 2020 the Notice of Availability (NOA) of the Draft Initial Study/Mitigated Negative Declaration was distributed to property owners within 1,000 feet of the project boundary; and

WHEREAS, the required 30-day review period for this project commenced on Friday, February 14, 2020 and ended on Sunday, March 15, 2020; and

WHEREAS, the San Joaquin County Council of Governments and the San Joaquin County Airport Land Use Commission were consulted on this project and no concerns related to a safety hazard or noise problem was identified; and

WHEREAS, the City received two comment letters during the public review period and the comments contained in that letter were responded to and incorporated into the Final Mitigated Negative Declaration; and

WHEREAS, on April 15, 2020, the City Council of the City of Lodi considered the proposed Final Mitigated Negative Declaration together with all oral and written comments received at or prior to its discussion of the matter and has determined that the Final Mitigated Negative Declaration (2020-01 MND) and associated Mitigation Monitoring and Reporting Program are adequate environmental documentation for the project; and

WHEREAS, the City of Lodi Community Development Department, located at 221 West Pine Street, Lodi, California, is the custodian of the Mitigated Negative Declaration and all associated materials that constitute the record of proceedings upon which the City Council's decision is based; and

WHEREAS, the City Council of the City of Lodi finds on the basis of the whole record before it that there is no substantial evidence that the Project, subject to the mitigation measures of the Mitigated Negative Declaration, will have a significant effect on the environment, and

WHEREAS, staff recommends that the City Council approve the filing of a Mitigated Negative Declaration for the Police Training Facility by the Community Development Director; and

WHEREAS, all legal prerequisites to the approval of this request have occurred.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby adopt the Final Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program as adequate environmental documentation for the City of Lodi Police Training Facility Project.

Dated: April 15, 2020

=====

I hereby certify that Resolution No. 2020-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020, by the following vote:

- AYES: COUNCIL MEMBERS --
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk

2020-\_\_\_\_\_



# CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Adopt Resolution Ratifying City Manager's Decision to Grant a Two-Week COVID-19 Specific Leave Bank to All City of Lodi Employees

**MEETING DATE:** April 15, 2020

**PREPARED BY:** City Manager

---

**RECOMMENDED ACTION:** Adopt a resolution ratifying City Manager's decision to grant a two-week COVID-19 specific leave bank to all City of Lodi employees.

**BACKGROUND INFORMATION:** The nation is facing a crisis unlike any in our generation, and any governing generation has seen. An invisible virus threatens the ability of municipalities across the country to provide the public services that keep a city safe, clean, and capable of responding to shelter-in-place orders in a calm and rational manner.

In the face of this worldwide pandemic and local health emergency, employee staffing levels have never been more strained by demands already known and many unknown. The challenge is exacerbated by the fact that Lodi is currently staffed at historic lows from a high in the mid 2000's of nearly 500 employees to the present at approximately 400.

In the face of this unprecedented challenge, employees will face significant new demands on their leave balances. They may be sent home to protect themselves due to their own risk profile; they may be sent home to protect the workforce because they themselves have been exposed; they may be sent home because we have to revise our work schedules to meet the demands of a new populace that is home full time with students' home from college and telecommuting parents.

To meet this challenge, a new leave classification is necessary to ensure Lodi's workforce is able to provide the services necessary to answer the needs of our residents. Staff is proposing a one-time addition of two weeks (80 hours) of COVID-19 specific leave to employee leave banks that can be used to care for an ill family member, shelter-in-place after an exposure, care for a child sent home from school when day care is not available, or are sent home due to a short term lull in staff scheduling.

The value of the leave is estimated to be \$1,230,000. Of course the exact cost is unknown because the leave may never be taken and some of the leave will not be replaced with overtime services so it can only be valued in loss of paid staff time.

**FISCAL IMPACT:** The cost is \$1,230,000 in potential lost productivity due to staff out of the office. This number is likely significantly inflated. Based on the overwhelming information from Center for Disease Control, California Department of Public Health and San Joaquin County Department of Public Health Services, Staff has concluded that providing employees the ability to stay home and remove themselves from other employees if they are sick or living with someone who is sick will actually reduce the amount of productive time lost due to COVID-19 by reducing the number of employees away from work due to illness.

**FUNDING AVAILABLE:** The funding available will come out of each department budget.

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Andrew Keys, Deputy City Manager

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Stephen Schwabauer, City Manager

---

APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

A RESOLUTION OF THE LODI CITY COUNCIL RATIFYING THE DECISION  
OF THE CITY MANAGER TO GRANT A TWO-WEEK COVID-19 SPECIFIC  
LEAVE BANK TO ALL CITY OF LODI EMPLOYEES

=====

WHEREAS, the nation is facing a crisis unlike any in our generation, and any governing generation has seen; and

WHEREAS, an invisible virus threatens the ability of municipalities across the country to provide the public services that keep a city safe, clean, and capable of responding to shelter-in-place orders in a calm and rational manner; and

WHEREAS, employee staffing levels have never been more strained by demands already known and many unknown. The challenge is exacerbated by the fact that Lodi is currently staffed at historic lows from a high in the mid 2000's of nearly 500 employees to the present at approximately 400; and

WHEREAS, employees will face significant new demands on their leave balances as they may be sent home to protect themselves due to their own risk profile; they may be sent home to protect the workforce because they themselves have been exposed; they may be sent home because we have to revise our work schedules to meet the demands of a new populace that is home full time with students' home from college and telecommuting parents; and

WHEREAS, a new leave classification is necessary to ensure Lodi's workforce is able to provide the services necessary to answer the needs of our residents. Staff is proposing a one-time addition of two weeks (80 hours) of COVID-19 specific leave to employee leave banks that can be used to care for an ill family member, shelter-in-place after an exposure, care for a child sent home from school when day care is not available, or are sent home due to a short term lull in staff scheduling; and

WHEREAS, the value of the leave is estimated to be \$1,230,000, whereby the exact cost is unknown because the leave may never be taken and some of the leave will not be replaced with overtime services so it can only be valued in loss of paid staff time; and

WHEREAS, based on the overwhelming information from Center for Disease Control, California Department of Public Health and San Joaquin County Department of Public Health Services, staff has concluded that providing employees the ability to stay home and remove themselves from other employees if they are sick or living with someone who is sick, will actually reduce the amount of productive time lost due to COVID-19 by reducing the number of employees away from work due to illness.

WHEREAS, staff recommends that the City Council ratify the City Manager's decision to grant a two-week COVID-19 specific leave bank to all City of Lodi employees; and

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to grant a two-week COVID-19 specific leave bank to all City of Lodi employees.

Dated: April 15, 2020

=====

I hereby certify that Resolution No. 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Accept Monthly Protocol Account Report Through March 31, 2020  
**MEETING DATE:** April 15, 2020  
**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Accept Monthly Protocol Account Report through March 31, 2020.

**BACKGROUND INFORMATION:** The City Council, at its meeting of July 19, 2000, adopted Resolution No. 2000-126 approving a policy relating to the City's "Protocol Account." As a part of this policy, it was directed that a monthly itemized report of the "Protocol Account" be provided to the City Council.

Attached please find the cumulative report through March 31, 2020.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** See attached.

---

Pamela M. Farris  
Assistant City Clerk

PMF

Attachment

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**APPROVED:** \_\_\_\_\_  
Stephen Schwabauer, City Manager

**PROTOCOL ACCOUNT SUMMARY****FISCAL YEAR 2019-20***Cumulative Report through March 31, 2020*

<b>Date</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>	<b>Balance</b>
				<b>Starting Bal.</b> <b>\$6,500.00</b>
8/21/19	Staples	Certificate Holders	\$48.07	\$6,451.93
9/19/19	Staples	Certificate Holders & Seals	\$54.88	\$6,397.05
10/25/19	Paper Direct	Proclamation Paper	\$139.62	\$6,257.43
11/4/19	Staples	Certificate Seals	\$10.23	\$6,247.20
11/8/19	Tuesday Mornings	Retirement Reception Supplies	\$19.46	\$6,227.74
11/8/19	Costco	Retirement Reception Supplies	\$27.02	\$6,200.72
11/18/19	Amazon	Supplies for Reorg.	\$26.62	\$6,174.10
11/20/19	Village Flowers	Community Service Award	\$81.19	\$6,092.91
11/22/19	World Market	Retirement Reception Supplies	\$8.38	\$6,084.53
12/2/19	Creative Trophy & Engraving	Plaques for Mayor & Community Service	\$88.49	\$5,996.04
12/2/19	Giuffra's	Wine Glass Rental for Reorg	\$23.50	\$5,972.54
12/4/19	Jan's Sweet Treats	Food for Reorg	\$200.00	\$5,769.54
12/4/19	Jan's Sweet Treats	Christmas Cookie Delivery	\$600.00	\$5,172.54
12/4/19	Save-Mart	Meat & Fruit Trays, Ice for Reorg	\$101.96	\$5,070.58
12/13/19	Amazon	Retirement Reception Supplies	\$8.64	\$5,061.94
12/15/19	Sam's Club	Food for Retirement Reception	\$112.33	\$4,949.61
12/15/19	Smart & Final	Food for Retirement Reception	\$93.42	\$4,856.19
12/15/19	Save Mart	Food for Retirement Reception	\$53.74	\$4,802.45
12/16/19	Raley's	Food for Retirement Reception	\$14.71	\$4,787.74
12/17/19	Save Mart	Food for Retirement Reception	\$7.98	\$4,779.76
12/16/19	Giuffra's Party Rentals	Supplies for Retirement Reception	\$435.50	\$4,344.26
12/17/19	Village Flowers	City Clerk Retirement	\$77.89	\$4,266.37
12/17/19	Kaylee Clayton	Plates/Napkins/Creamer for Re-Org	\$33.60	\$4,232.77
2/4/20	Staples	Certificate Holders	\$94.96	\$4,137.81
2/11/20	Safeway	Flowers for Johnson Family	\$54.13	\$4,083.68

<b>Date</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>	<b>Balance</b>
3/12/20	Village Flowers	Flowers from Council for Johnson Funeral	\$77.89	\$4,005.79
			<i>Total Expenditures:</i> (\$2,494.21)	<i>Ending Bal.</i> <b>\$4,005.79</b>

Prepared by: PMF



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Receive Report Regarding Communication Pertaining to Retaining April 10 Property Tax Deadline

**MEETING DATE:** April 15, 2020

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Receive report regarding communication pertaining to retaining April 10 property tax deadline.

**BACKGROUND INFORMATION:** The City received a request for communication from the League of California Cities regarding retaining the April 10 property tax deadline. There was a need to send a letter of support immediately.

The Governor's office has received requests to delay the collection of property taxes for an additional 60 to 90 days. Local agencies are urging the Governor to retain the April 10 deadline for property tax payments and allow local officials to forgive penalties for property owners who are unable to pay by that date due to the pandemic, as authorized by law.

The attached letter was sent on March 24, 2020. A copy of the initial request is also attached. This report is provided for informational purposes only, pursuant to policy.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

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Pamela M. Farris  
Assistant City Clerk

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**APPROVED:** \_\_\_\_\_  
Stephen Schwabauer, City Manager

CITY COUNCIL

DOUG KUEHNE, Mayor  
ALAN NAKANISHI,  
Mayor Pro Tempore  
MARK CHANDLER  
JOANNE MOUNCE

# CITY OF LODI

2015 "Wine Region of the Year"

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006

LODI, CALIFORNIA 95241-1910  
(209) 333-6702 / FAX (209) 333-6807  
[www.lodi.gov](http://www.lodi.gov)    [cityclerk@lodi.gov](mailto:cityclerk@lodi.gov)

STEPHEN SCHWABAUER  
City Manager

PAMELA M. FARRIS  
Assistant City Clerk

JANICE D. MAGDICH  
City Attorney

March 24, 2020

The Honorable Gavin Newsom  
Governor, State of California  
State Capitol Building  
Sacramento, CA 95814

Re: Retaining the April 10 Property Tax Deadline

Dear Governor Newsom,

California's local agencies are working diligently to maintain essential services and infrastructure during this unprecedented public health emergency related to the Coronavirus and the disease it causes, COVID-19. Our City is urging you to retain the April 10 deadline for property tax payments and allow local officials to forgive penalties for property owners who are unable to pay by that date due to the pandemic, as authorized by law.

### **Local Agencies Rely on the Timing of Payments**

Unlike nearly every other tax, including the income tax and sales tax, property tax revenues are not distributed throughout the fiscal year. Instead, nearly all funds – over \$140 billion – are received in the days before the two payment deadlines of December 10 and April 10. Extending the deadline by 60 or 90 days would have a dramatic impact on local funding, as almost all local agencies rely on the property tax for the majority of their general funds.

Local agencies are on the front lines of responding to the pandemic. From county public health departments to public hospitals and health systems, to the sharp pivot school districts are making to deliver food and distance learning to homebound students, local agencies are in need of at least the usual level of funding. Delaying such a large infusion of general funds for two to three months would have a serious impact on their ability to provide these services.

Furthermore, because both the timing and amount of the property tax is highly predictable, schools, counties, cities, and special districts structure their borrowing for TRAns and bonds accordingly. Extending the deadline would put repayment of those debts at risk. As you know, even one agency defaulting could negatively impact bond ratings and interest rates for all agencies for years to come. With the municipal bond market in turmoil and many planned deals being postponed indefinitely, it is exactly the wrong time to roil the situation further.

### **Many Property Owners Have Already Paid Their Banks**

For mortgagers whose property tax payments are escrowed as part of their monthly housing payment, extending the deadline would provide them no relief. Instead, it would

simply benefit the handful of companies that hold this money until the last minute before the deadline.

While these companies provide a service that many mortgagors appreciate by breaking their property tax payment into manageable monthly amounts, there is no public benefit to allowing them to hold the money for an additional 60 or 90 days. While the amount varies by county, payments from these companies represent roughly half of all expected revenue.

**Current Law Allows Local Officials to Waive Penalties**

While we must retain the April 10 deadline for property tax payments, local officials are already authorized to waive penalties, costs, and other charges resulting from tax delinquency due to reasonable cause and circumstances related to this crisis. This includes scenarios where a taxpayer cannot physically pay their taxes on April 10 due to quarantine, illness, or closure of the tax collector's office as a result of COVID-19. In such cases, the tax collector will utilize their authority pursuant to Revenue and Taxation Code Sections 2619 and 4985.2 to waive interest or penalties that would otherwise be imposed or collected with respect to a delinquent second installment of property taxes levied for the 2019-2020 fiscal year on residential real property.

We appreciate the close partnership we have had with you and your Administration throughout this crisis. Together, for all Californians, we are meeting this moment to protect our communities.

Sincerely,



Doug Kuehne  
Mayor  
City of Lodi

Cc: The Honorable Betty Yee, State Controller  
The Honorable Toni Atkins, Senate President pro Tempore  
The Honorable Anthony Rendon, Assembly Speaker  
The Honorable Holly Mitchell, Chair, Senate Committee on Budget and Fiscal Review  
The Honorable Phil Ting, Chair, Assembly Committee on the Budget  
The Honorable Antonio Vazquez, Chair, Board of Equalization  
The Honorable Mike Schaefer, Vice Chair, Board of Equalization  
The Honorable Malia M. Cohen, Board of Equalization  
The Honorable Ted Gaines, Board of Equalization  
Keely Bosler, Director, Department of Finance  
Nicolas Maduros, Director, Department of Tax and Fee Administration

**Pamela Farris**

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**From:** Stephen R. Qualls <squalls@cacities.org>  
**Sent:** Tuesday, March 24, 2020 1:31 PM  
**Subject:** URGENT: Coalition to Maintain the April 10 Property Tax Collection  
**Attachments:** Retaining Property Tax Deadline - FINAL - 2020-03-21.pdf

To keep you updated on efforts for requests to the Governor's office to delay the collection of property taxes for an additional 60 to 90 days, you will find attached a coalition letter that League of California Cities Executive Director Carolyn Coleman signed on to, urging the maintenance of the April 10 property tax collection.

We will keep you posted if this thing gets legs.

Thank you,

Stephen Qualls?  
Central Valley Division Regional Public Affairs Manager League of California Cities c. 209-614-0118 f. 209-883-0653  
squalls@cacities.org | www.cacities.org<<http://www.cacities.org/>>

[<https://mail.cacities.org/owa/service.svc/s/GetFileAttachment?id=AAMkAGQ4NTA3Yzk5LWVlN2EtNGQ4ZS1hNTdmLTYzODc0YzAyNDgyYwBGAAAAACy8fHTR2LKSbH7v1WA%2BKroBwCJIF8QxE1YR5pVkcG0VZ7pAAAGc5DHAADGxtFp%2FTpES6fDhvAjeU66AAIIL4kAAABEgAQAD6NdUlq8whBs9zfQMLA5yc%3D&X-OWA-CANARY=hxv1q04hykKYe12WqqEukbTKZomgttUIWwoILzvadm9U5P8sapIDPzx6cvavA5-ylysJJUqRMDs.>]



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Post for Expiring Term on Planning Commission  
**MEETING DATE:** April 15, 2020  
**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Post for expiring term on the Planning Commission.

**BACKGROUND INFORMATION:** There is one expiring term on the Planning Commission. It is recommended that the City Council direct the City Clerk to post for this vacancy for the period of 30 days.

Government Code Section 54970 et seq. requires that the City Clerk re-post for vacancies to allow citizens interested in serving to submit an application.

**POSTINGS:**

**Planning Commission**

Tiffany Gomes Term to expire June 30, 2020

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

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Pamela M. Farris  
Assistant City Clerk

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APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

**AGENDA ITEM C-22**



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Ratification of Employment Agreement Entered into Between City Manager Stephen Schwabauer and Police Chief Sierra Brucia

**MEETING DATE:** April 15, 2020

**PREPARED BY:** City Manager

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**RECOMMENDED ACTION:** Ratification of employment agreement entered into between City Manager Stephen Schwabauer and Police Chief Sierra Brucia.

**BACKGROUND INFORMATION:** Pursuant to Lodi Municipal Code Chapter 2.12.060, the City Manager is vested with the authority to appoint department heads. The Chief of Police position will become vacant upon the retirement of Chief Tod Patterson on May 1, 2020.

The City of Lodi is very fortunate to have two very qualified candidates and Human Resources conducted an internal promotional examination to fill the Police Chief vacancy. Both candidates participated in an interview with the City Manager, City Attorney, and the Fire Chief. It was a very difficult decision and the City is in a unique situation to have two qualified candidates to consider for the next Police Chief. This is a testament to the leadership within the Police Department in preparing them for this promotional opportunity. Captain Brucia possesses the necessary skills, abilities, and experience needed to manage the Lodi Police Department. As such, I have decided to appoint him as the Police Chief. The terms and conditions of the employment contract extend beyond the Manager's authority and therefore require ratification by the City Council.

The agreement is an "at-will" agreement and contains a base salary of \$204,900.48 annually, six-month severance payment for termination other than cause, and benefits similar to what other City executive managers receive under the City's Executive Management Statement of Benefits. The effective date of the promotion will be May 4, 2020 upon approval of the employment contract.

**FISCAL IMPACT:** Not applicable as it fills a budgeted position.

**FUNDING AVAILABLE:** The \$204,900.48 salary is included in the FY 2019/20 budget.

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Andrew Keys  
Deputy City Manager/Internal Services Director

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APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

## EMPLOYMENT AGREEMENT

### Executive Management Exempt Service

#### Police Chief

**THIS AGREEMENT** entered into on April 15, 2020, by and between the CITY OF LODI, a municipal corporation (hereinafter referred to as "City") and Sierra N. Brucia, an individual (hereinafter referred to as "Employee").

**WHEREAS**, Employee desires to be employed as Police Chief and City desires to employ the services of Employee as Police Chief; and

**WHEREAS**, City and Employee agree in writing to the terms and conditions of employment as Police Chief; and

**WHEREAS**, Employee and City agree and acknowledge that Employee's employment as Police Chief is his sole and exclusive employment with City, and that their employment relationship is governed solely and exclusively by this Agreement.

**NOW, THEREFORE**, in consideration of the promises and conditions set forth herein, the parties mutually agree as follows:

**1. Employment:** City agrees to employ Employee as Police Chief, in accordance with the following provisions:

(a) Employee shall serve as Police Chief, and shall be responsible for managing and directing the operations of the Police Department in accordance with an agreed upon performance plan.

(b) Employee shall perform his duties to the best of his ability in accordance with the highest professional and ethical standards of the profession and shall comply with all general rules and regulations established by the City.

(c) Employee shall not engage in any activity which is or may become a conflict of interest, prohibited contract, or which may create an incompatibility of office as defined under California law. Employee shall comply fully with his reporting and disclosure obligations under regulations promulgated by the Fair Political Practices Commission (FPPC).

(d) Employee agrees to remain in the exclusive employ of the City during the term of this Agreement. Employee shall dedicate his full energies and qualifications to his employment as Police Chief, and shall not engage in any other employment except as set forth in this agreement or as may be specifically approved in writing in advance by the City Manager.

2. **Start Date:** Employee shall begin work as Police Chief on May 4, 2020.

3. **Maintenance of Professional Expertise:** To promote continued professional growth and benefit to the City, Employee shall, at City expense and consistent with budgetary constraints: maintain membership in professional organizations related to city police administration and related professional disciplines; attend workshops, seminars and other similar activities designed to advance Employee's professional development; and, represent the City in professional associations and other organizations.

4. **Resignation or Termination:**

(a) Employee may resign at any time and agrees to give City at least 30 days advance written notice of the effective date of his resignation. In such event, Employee shall not be entitled to severance pay as provided in Paragraph 5 herein.

(b) The parties recognize and affirm that Employee may be terminated by the City Manager with cause, which shall mean gross insubordination, incapacity, dereliction of duty, conviction of a crime involving acts of moral turpitude or involving personal gain to him, or material breach of this Agreement. In such event, Employee shall not be entitled to severance pay as provided in Paragraph 5 herein.

(c) The parties recognize and affirm that Employee may be terminated by the City Manager without cause. In such event, Employee shall be entitled to severance pay as provided in Paragraph 5 herein.

(d) In the event of termination and in recognition of Employee's professional status and integrity, Employee and the City Manager shall prepare a joint public statement to be made by the City Manager. This employment relationship is based on the mutual respect between the parties and a desire to maintain the highest degree of professionalism. In communicating with third parties about the parties' employment relationship and the circumstances under which it may have been severed, the parties shall (a) protect and advance their mutual respect and professionalism, and (b) refrain from making statements that would negatively impact either party.

(e) Employee may choose to resign or retire his office instead of being terminated if agreed to by the City Manager. In such an event the public announcement, as provided for in Paragraph 4 (d) above, will note Employee has resigned or retired. The provisions of Paragraph 4 (d) shall remain applicable. In such event, Employee shall not be entitled to severance pay as provided in Paragraph 5 herein.

5. **Severance Pay:** If Employee is terminated by the City Manager without cause while still willing and able to perform the duties of Police Chief, City agrees to pay Employee a cash payment equal to six (6) months' aggregate salary and the City's cost of six (6) months' health insurance benefits subject to reduction as set forth in this Paragraph 5. The severance payment will be paid over time at the same time as other employees of the City are paid and subject to customary withholdings. In the event Employee retains new employment during the six month severance period, any remaining severance payment will be forfeited as of the date Employee begins his new Employment. To be eligible for such severance pay, Employee shall fulfill all of his obligations under this Agreement, and shall sign an Acknowledgment and Release of Claims against the City in a form acceptable to the

City Attorney. Payment under this paragraph will release City from any further obligations under this Agreement, or any other transaction between the parties.

**6. Employment as Department Head is Sole Employment with City:**

Employee further represents and acknowledges that his employment as Police Chief is his sole and exclusive employment with the City. Employee has no right to any other exempt position with the City or to any employment in the classified service.

**7. Salary:**

(a) City agrees to pay Employee \$17,075.04 in salary per month for his services, payable in installments at the same time as other employees of the City are paid and subject to customary withholding. The City may reduce base salary compensation or other financial benefits of Employee as part of general salary reduction in pay among and common to all employees. In addition, Employee shall pay nine percent (9%) (employee's share) of his salary towards the California Public Employees Retirement system benefit and agrees to a cost-sharing agreement and will pay an additional nine percent (9%) towards the employer's share of CalPERS normal pension cost.

(b) At any time, a minimum of a ten percent (10%) salary differential shall exist between the Police Chief and the Police Department's next highest paid executive or mid management position, including incentive pay. In addition, the City Manager will have discretion to grant up to an additional five percent (5%) increase in salary after one year, and subject to a satisfactory performance evaluation. The Police Chief will receive additional three percent (3%) adjustments in the first pay periods of July 2020 and July 2021, respectively, as set forth in Council Resolution 2019-157.

**8. Benefits:**

(a) The City shall provide Employee the same benefits as provided to management employees in accordance with the terms of the Executive Management Statement of Benefits amended as of May 16, 2012, and as they may be amended, increased or decreased, except as modified herein. Employee will be provided with a one-time uniform allowance of \$950.00 that will not recur in any subsequent renewals of this Agreement. Employee's vacation leave shall be calculated based upon his actual years of service with the City, increasing from there as provided in the Executive Management Statement of Benefits. Moreover, Employee shall retain all sick leave and vacation leave he accrued prior to his start date, May 4, 2020.

(b) The City agrees to provide Employee with the 2020 Longevity payment in the amount of \$3,000, to be paid in November 2020. The employee will not be eligible for any additional Longevity payment while employed as the Police Chief. The City also agrees to allow the Employee to cash out his 2020 Holiday Leave bank in December 2020. All further Holiday Leave accrued will fall under the provisions of the Executive Management Statement of Benefits.

(c) The foregoing benefits are the sole and exclusive benefits to be provided to Employee. Any improvement or modification of such benefits may only be made by written instrument signed by the City Manager. As used herein, benefits include, but are not limited to: vacation, sick leave, holidays, administrative leave, retirement, vision

insurance, health insurance, dental insurance, long term disability insurance, life insurance and deferred compensation.

**9. Vehicle Use:** The City requires that Employee have transportation readily available for his use during his employment with the City, and, to the end of assuring that Employee has a vehicle available, Employee shall be assigned an appropriate vehicle equipped with necessary safety equipment and communications devices. Due to his on-call status, Employee shall be allowed use of said vehicle for personal use up to three hours away from the Lodi Police Department if necessary to accommodate a call to duty.

**10. Performance Evaluation:** The City Manager shall review and evaluate the performance of Employee each year and set goals and objectives for the ensuing year. Such review and evaluation shall be in accordance with specific criteria developed in the performance plan in consultation with Employee and the City Manager.

**10. Assignment:** Employee shall not assign any of the duties and responsibilities, or obligations of this Agreement except with the express written consent of the City Manager.

**11. Authority to Work in the United States:** Employee represents, under penalty of perjury, that he is authorized to work in the United States. In accordance with §274A (8 USC 1324) of the Immigration Reform and Control Act of 1986 before this Agreement can become effective, Employee must provide documentary evidence to City consistent with the Act, that he is legally entitled to work in the United States, and must execute the verification required by that Act.

**12. Notice:** All notices required herein shall be sent first class mail to the parties as follows:

To <b>CITY:</b>	City of Lodi Attn: City Manager's Office P. O. Box 3006 Lodi, CA 95241-1910
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To <b>EMPLOYEE:</b>	Sierra Brucia c/o Lodi Police Department 215 W. Elm Street Lodi, CA 95240
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Notice shall be deemed effectively served upon deposit in the United States mail. Either party may change the "Notice" address by notifying the other party in writing of such change.

**13. Entire Agreement:** This Agreement contains the entire agreement between the parties hereto. No promise, representation, warranty, or covenant not included in this Agreement has been or is relied on by any party hereto. This Agreement may only be amended by written instrument signed by Employee and the City Manager and specifically approved by the City Council in open session.

**14. Severability:** If any provision of this Agreement is invalid or unenforceable, it shall be considered deleted herefrom and the remainder of this Agreement shall be unaffected and shall continue in full force and effect.

**IN WITNESS WHEREOF**, the parties have executed this Agreement the day and year written above.

EMPLOYEE

By: \_\_\_\_\_  
SIERRA N. BRUCIA

CITY OF LODI, a municipal corporation

By: \_\_\_\_\_  
STEPHEN SCHWABAUER  
City Manager

ATTEST:

By: \_\_\_\_\_  
PAMELA M. FARRIS  
Assistant City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
JANICE D. MAGDICH  
City Attorney

RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
RATIFYING THE EMPLOYMENT AGREEMENT  
BETWEEN THE CITY MANAGER AND  
POLICE CHIEF SIERRA N. BRUCIA

=====

NOW THEREFORE, BE IT RESOLVED THAT the Lodi City Council does hereby ratify the Employment Agreement entered into between the City Manager and Police Chief Sierra N. Brucia, as shown on Exhibit "A" attached hereto and made a part hereof.

Dated: April 15, 2020

=====

I hereby certify that Resolution No. 2020-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020, by the following vote:

AYES: COUNCIL MEMBERS –  
NOES: COUNCIL MEMBERS –  
ABSENT: COUNCIL MEMBERS –  
ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk

2020-\_\_\_\_\_



# CITY OF LODI COUNCIL COMMUNICATION

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**AGENDA TITLE:** Public Hearing to Consider Adopting a Resolution Approving the Draft 2020-2021 Annual Action Plan for the Community Development Block Grant (CDBG) Program

**MEETING DATE:** March 18, 2020

**PREPARED BY:** Community Development Department

**RECOMMENDED ACTION:** Public Hearing to consider a resolution approving the Draft 2020-2021 Annual Action Plan for the Community Development Block Grant (CDBG) program.

**BACKGROUND INFORMATION:** A public hearing is required as part of the federal requirements under the US Department of Housing and Urban Development (HUD) for the Community Development Block Grant (CDBG) program.

## Overview

The City of Lodi (City) receives an annual allocation of funds from HUD under the CDBG program. In the 2020-2021 program year, the City will receive \$647,277 in CDBG entitlement funds from HUD.

The primary purpose of this program is to improve the quality of life for low- and moderate-income persons, households, and neighborhoods by supporting public services, public facilities, crime prevention, access for disabled persons, affordable housing, and economic development. The City adopts a five-year Consolidated Plan, as required by HUD, which lays out how the City plans to use the funds through strategies and goals that improve quality of life in Lodi and address community needs.

Each year the City prepares an Annual Action Plan that identifies the services and projects to fund that will meet these Consolidated Plan goals. As part of this planning process, the City gathers public comment on the community needs and recommended activities to meet those needs. Applications for funds are scored by staff and the Lodi Improvement Committee (Committee). Activities that further the City's five-year Consolidated Plan goals and meet priority community needs are given the highest priority for funding.

This Draft 2020-2021 Annual Action Plan covers the second program year of the five-year 2019-2023 Consolidated Plan cycle.

## Annual Action Plan

*City's CDBG Allocation Policies and Practices:*

City Council policy states that 60 percent of awarded CDBG funds will be allocated to City-sponsored projects, and that the remaining 40 percent will go toward community-based organizations (CBO). City-sponsored projects also receive priority ranking over CBO projects. The Lodi Improvement Committee performs scoring for CBO projects only. Furthermore, HUD guidelines limit public services activities to 15 percent of the total grant amount and administrative activities to 20 percent of the total grant amount.

APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

Based on the \$647,277 allocation, the distribution of funds will be as follows:

Administration	\$129,455 (20% Cap)
Public Service	\$97,091 (15% Cap)
<u>Capital Projects</u>	<u>\$420,731</u>
TOTAL	\$647,277

The City received eight project applications from CBOs, requesting over \$185,000 in social service-type activities and \$15,740 in planning and administration for fair housing-related projects. The amount requested in social service activities exceeded the \$97,091 available under the public services cap. To determine which proposed projects to fund, the Lodi Improvement Committee and City staff evaluated and scored each application using the following criteria:

- *Serving Priority Populations.* Programs and projects were evaluated on whether they serve targeted priority populations, as identified in the Consolidated Plan.
- *Activity Need and Justification.* Activities were evaluated on their ability to address a significant community need and their benefit to very low-income persons.
- *Readiness to Proceed.* Programs and projects were evaluated based on their feasibility of implementation, overall and within the allotted time frame.
- *Cost Reasonableness and Effectiveness.* Budgets were reviewed to determine completeness and reasonableness of all costs related to the request for CDBG funding. Organizations applying for service funding were also evaluated on their ability to become self-sustaining.
- *Activity Management and Implementation.* Applicants were evaluated on past experience, administrative capacity, and financial management.
- *Past Performance.* Applicants who previously received CDBG funds from the City were evaluated on their reporting and timely expenditure of funds.

Note: Additional detail on applicants and recommendations can be found in Exhibit A (Summary/Ranking of Applications Received).

### **CDBG Funding Recommendations**

The draft Annual Action Plan contains recommendations to Council that outline how the City will allocate funds to projects for the 2020-2021 program year. Funding recommendations are grouped into the following categories: Program Administration, City Capital projects, CBO Capital projects, City Service programs, and CBO Service programs. The Lodi Improvement Committee and City staff have provided two funding recommendations for CBO Service programs and City Service programs for the 2020-2021 program year. The 2020-2021 program year recommendations are as follows:

#### *Lodi Improvement Committee Recommendation – without Graffiti Abatement:*

Program Administration \$129,455

- CDBG Program Administration \$113,715
- San Joaquin Fair Housing \$15,740

City Capital Projects

- Public Works - Alley Improvements \$314,991

CBO Capital Projects

- Salvation Army: HVAC/Refrigerator Repairs \$105,740

### City Service Programs

- Graffiti Abatement \$0

### CBO Service Programs \$97,091

- LOEL Foundation – Meals on Wheels Program \$10,000
- Second Harvest Food Bank – Food Assistance Program \$10,000
- Ready to Work – Lodi Employment and Support Effort \$10,000
- CA Human Development – Immigration Expansion Program \$29,000
- Community Partnership for Families – Family Resource Center and Youth Program \$38,091

The Salvation Army: HVAC/Refrigerator Repairs project was originally funded in the 2019-2020 program year; however, the project was delayed and rescheduled to be completed in the 2020-2021 program year. Funds for this project were transferred to a City Capital Improvement project that could more readily spend the funds in 2019-2020.

The Committee's recommendation allocates no CDBG funds (\$0) to the City's graffiti abatement program; however, the Committee does not want to see the program go away but rather to have it funded with other permanent City funds. The Committee stated that the graffiti abatement program is important for reducing youth gang activity and maintaining the appearance and condition of the Heritage District. As such, the Committee would like to see the program become a permanent City-funded program, while leaving more CDBG funds available for newer or short-term priority projects.

#### *Staff Alternative Recommendation – with Graffiti Abatement:*

### City Service Programs

- Graffiti Abatement \$30,000

### CBO Service Programs \$67,091

- LOEL Foundation – Meals on Wheels Program \$10,000
- Second Harvest Food Bank – Food Assistance Program \$10,000
- Ready to Work – Lodi Employment and Support Effort \$10,000
- CA Human Development – Immigration Expansion Program \$0
- Community Partnership for Families – Family Resource Center and Youth Program \$37,091

Note that the graffiti abatement program was initially started with CDBG funds and over the last few years has gradually received fewer CDBG funds while receiving more from the City's general fund. Without CDBG funding, the City would have to find another source of funds or eliminate the program. The only available City funding is from the general fund. As such, staff recommends that LOEL, Second Harvest Food Bank, and Ready to Work all receive \$10,000, while Community Partnership for Families receives \$37,091 and the City's Graffiti Abatement program receives \$30,000.

In this scenario, California Human Development would not receive funding because staff scoring of its application demonstrates that the proposed immigration program is less of a Consolidated Plan priority, compared to other funded programs that are more closely connected with the City's priorities.

This alternative reflects the Committee's application scores and ranking (with the exception of the California Human Development application) and the Committee's preference to support the Ready-To-Work program, which assists Lodi's homeless, and fits the parameters of projects being funded at a minimum of \$10,000 to cover administrative burden.

### **Community Engagement**

The process of developing the Draft 2020-2021 Annual Action Plan has involved various instances of community outreach and public involvement. Outreach included a workshop which focused on prioritizing funding and community needs; consultations with local organizations and stakeholders; Lodi

Improvement Committee meetings that encouraged citizen participation and public comment; a 30-day public review period for the draft Annual Action Plan documents; attendance at a community event to solicit feedback from priority populations; and public hearings to allow for public feedback after the release of the Draft 2020-2021 Annual Action Plan.

### **Next Steps**

Upon completion of the initial public hearing on April 15, 2020, the Final 2020-2021 Annual Action Plan and will be brought back for final comment and approval at a public hearing on May 6, 2020. HUD recently announced that it will provide additional emergency grant funds to assist communities in addressing the impact of COVID-19. As part of this supplemental funding, HUD is extending the submission dates for the Annual Action Plan and modifying the processes to expedite the updating of yearly plans. Consultant staff will work with the Community Development Department to determine how the supplement funds might be used and will provide an update to City Council of any such proposed plans. Per HUD's recent announcement, the latest date that the Annual Action Plan may be submitted is August 16, 2020. Regardless of this tentative submittal, the program year will begin July 1, 2020.

**FISCAL IMPACT:** CDBG funds are federal funds. Capital improvements allow for maintenance costs to be reduced. Administration costs are paid via a 20 percent set-aside of the grant funds.

**FUNDING AVAILABLE:** \$647,277 – 2020-2021 Community Development Block Grant Allocation.

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Andrew Keys, Deputy City Manager

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John R. Della Monica, Jr.  
Community Development Director

Exhibit A: Summary/Ranking of Applications Received

	<b><u>CDBG PUBLIC SERVICES APPLICANTS</u></b>	<b><u>Final Scores (Out of 127)</u></b>	<b><u>Amount Requested</u></b>	<b><u>LIC Recommended Amount</u></b>	<b><u>Staff Alternative Amount</u></b>
1	Community Partnerships for Families	120	\$50,000	\$38,091	\$37,091
2	Second Harvest Food Bank	117	\$10,000	\$10,000	\$10,000
3	LOEL Foundation	111	\$10,000	\$10,000	\$10,000
4	CA Human Development	103	\$31,147	\$29,000	\$0
5	Lodi Boys and Girls Club	101	\$25,000	\$0	\$0
6	The Village	97	\$46,800	\$0	\$0
7	Ready to Work	89	\$18,265	\$10,000	\$10,000
8	Graffiti Abatement (City project)	-	-	\$0	\$30,000

RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING THE DRAFT 2020-2021 ANNUAL ACTION  
PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK  
GRANT (CDBG) PROGRAM

=====

WHEREAS, the Department of Housing and Urban Development (HUD) has determined that the City of Lodi, California, is a Community Development Block Grant (CDBG) entitlement community; and

WHEREAS, City of Lodi, California, has created a draft Annual Action Plan which is required by HUD in order for local jurisdictions to receive federal housing and community development funds under the CDBG Program; and

WHEREAS, the City of Lodi, California, will receive a federal CDBG allocation for Fiscal Year 2020-2021 in the amount of \$647,277; and

WHEREAS, the draft Annual Action Plan provides a one-year outline of the recommended projects, activities, and programs to be funded and completed in the 2020-2021 program year; and

WHEREAS, the notice of funding availability for CDBG funds was properly advertised and noticed in the newspaper, City Hall, and on the City's website, along with notice of an application workshop and community needs workshop, which were held on December 10, 2020, at a regularly scheduled Lodi Improvement Committee meeting; and

WHEREAS, the draft 2020-2021 Annual Action Plan was noticed and made available to the public for review and comment beginning March 17, 2020, and was made available for a minimum of 30 days; and

WHEREAS, the City of Lodi will hold, with proper notification, two public hearings at City Council meetings on April 15, 2020 and May 6, 2020, to receive comments from the public regarding the projected use of CDBG funds for the 2020-2021 program year, to provide the public with adequate information concerning the amount of funds available for community development activities, the range of eligible activities, and other important requirements, and for the City Council to approve the draft and final plans; and

WHEREAS, the City of Lodi, California, has received public input regarding the proposed use of CDBG funds; and

WHEREAS, the City Council held a public hearing to review and approve a draft 2020-2021 Annual Action Plan at its meeting on April 15, 2020; and

WHEREAS, included within the draft Annual Action Plan document, City staff and the Lodi Improvement Committee have provided separate recommendations for allocations for activities to be funded in the 2020-2021 program year; and

WHEREAS, these recommendations were presented at the April 15, 2020 City Council public hearing where Council's feedback on the preferred recommendation was requested; and

WHEREAS, City staff and the Lodi Improvement Committee recommended the following draft allocations for projects to be completed in the 2020-2021 program year:

1. **Lodi Improvement Committee Recommendation:**

Program Administration \$129,455  
CDBG Program Administration \$113,715  
San Joaquin Fair Housing \$15,740

City Capital Projects  
Public Works - Alley Improvements \$314,991

CBO Capital Projects  
Salvation Army: HVAC/Refrigerator Repairs \$105,740

City Service Programs  
Graffiti Abatement \$0

CBO Service Programs \$97,091  
LOEL Foundation – Meals on Wheels Program \$10,000  
Second Harvest Food Bank – Food Assistance Program \$10,000  
Ready to Work – Lodi Employment and Support Effort \$10,000  
CA Human Development – Immigration Expansion Program \$29,000  
Community Partnership for Families – Family/Youth Resource Center \$38,091

2. **Staff Alternative Recommendation:**

City Service Programs  
Graffiti Abatement \$30,000

CBO Service Programs \$67,091  
LOEL Foundation – Meals on Wheels Program \$10,000  
Second Harvest Food Bank – Food Assistance Program \$10,000  
Ready to Work – Lodi Employment and Support Effort \$10,000  
CA Human Development – Immigration Expansion Program \$0  
Community Partnership for Families – Family/Youth Resource Center \$37,091

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby approve the draft 2020-2021 Annual Action Plan, which includes the recommended federal allocations of CDBG funds for Fiscal Year 2020-2021 to the projects recommended by staff and the Lodi Improvement Committee, in the amount of \$647,277 as outlined above.

Dated: April 15, 2020

=====

I hereby certify that Resolution No. 2020-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020, by the following vote:

AYES: COUNCIL MEMBERS --  
NOES: COUNCIL MEMBERS –  
ABSENT: COUNCIL MEMBERS –  
ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk

2020-\_\_\_\_



## DECLARATION OF POSTING

### **NOTICE OF TWO PUBLIC HEARINGS: 1) FOR THE APPROVAL OF DRAFT 2020-21 ANNUAL ACTION PLAN AND 2) FOR THE APPROVAL OF THE FINAL 2020-21 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM**

On Thursday, March 26, 2020, in the City of Lodi, San Joaquin County, California, a Notice of Two Public Hearings: 1) for the approval of draft 2020-21 Annual Action Plan and 2) for the approval of the final 2020-21 Annual Action Plan for the Community Development Block Grant (CDBG) Program (attached and marked as Exhibit A) was posted at the following locations:

Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum  
WorkNet Office

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 26, 2020, at Lodi, California.

ORDERED BY:

**PAMELA M. FARRIS**  
**ASSISTANT CITY CLERK**

A handwritten signature in blue ink that reads "Pamela M. Farris".

PAMELA M. FARRIS  
ASSISTANT CITY CLERK

\_\_\_\_\_  
KAYLEE CLAYTON  
ADMINISTRATIVE CLERK

## LEGAL NOTICE

### **NOTICE OF TWO PUBLIC HEARINGS: 1) FOR THE APPROVAL OF THE DRAFT 2020-21 ANNUAL ACTION PLAN AND 2) FOR THE APPROVAL OF THE FINAL 2020-21 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**NOTICE IS HEREBY GIVEN** that an initial public hearing will be held on **Wednesday, April 15, 2020, at 7:00 p.m.** or as soon thereafter as the matter may be heard, in the Lodi City Council Chambers, 305 West Pine Street, Lodi, CA 95241 to consider the approval of the Community Development Block Grant (CDBG) Program *draft* 2020-21 Annual Action Plan (Plan), as well as to allow for public comment on the Plan.

**NOTICE IS HEREBY GIVEN** that a second public hearing will be held on **Wednesday, May 6, 2020, at 7:00 p.m.** or as soon thereafter as the matter may be heard, in the Lodi City Council Chambers, 305 West Pine Street, Lodi, CA 95241 to consider the approval of the Community Development Block Grant final 2020-21 Annual Action Plan, as well as to allow for public comment on the Plan.

**Note:** Due to precautions surrounding the current COVID-19 pandemic, public attendance guidelines for City Council Public Hearings may vary. Members of the public are advised to check the Public Hearing Agenda at the following link for specific instructions for attending this meeting: <http://www.lodi.gov/AgendaCenter/City-Council-5/>. If you have any questions, you may contact the Clerk Office by email at [cityclerk@lodi.gov](mailto:cityclerk@lodi.gov), by phone at (209) 333-6702, or by checking the website at [www.lodi.gov/154/City-Clerk](http://www.lodi.gov/154/City-Clerk).

The City is estimating that it will receive \$647,277 in CDBG funds for the 2020-21 program year. The CDBG program is funded by the U.S. Department of Housing and Urban Development (HUD). The program provides funding for activities that benefit low-income persons, eliminate slum or blight, and/or serve an urgent need. Eligible activities include property acquisition, public improvements, housing rehabilitation, economic development, and public services.

The City has developed an Annual Action Plan that describes how the City will utilize program funds for eligible activities during the 2020-21 program year. The plan can be amended as needed to reallocate funds to housing and community development activities. The 2020-21 Annual Action Plan will be made available to the public for at least 30 days before adoption by the City Council. The documents were released on March 17, 2020, for public review and comment, and will be made available at City Hall, 221 W. Pine Street, between the hours of 8:00 a.m. and 5:00 p.m. on weekdays and on the City's Community Development website: <http://www.lodi.gov/183/Community-Development-Block-Grant-Program>.

The purpose of these public hearings will be to present the 2020-21 Annual Action Plan to City Council for their approval, as well as to give citizens an opportunity to make their comments known regarding community needs, goals, and potential activities to be funded under the CDBG Program. If you are unable to attend the public hearing, you may direct written comments to the CDBG Program Specialist, City of Lodi, P.O. Box 3006, Lodi, CA 95241, or you may telephone (209) 333-6800 ext. 3404. In addition, information is available for review at Lodi City Hall between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

#### **Notice of Non-Discrimination on the Basis of Disability and Reasonable Accommodation**

The City promotes fair housing and makes all its programs available to low- and moderate-income families regardless of age, race, color, religion, sex, national origin, sexual preference, marital status or handicap.

The City of Lodi does not discriminate in admission or access to, or treatment or employment in, its federally assisted programs and activities on the basis of disability. Reasonable accommodations will be made available to the disabled, upon request.

Translators/translation services are also available upon request. Any questions, concerns, or requests related to these notices should be directed to the following person: Patrice Clemons, (209) 333-6800 x3404.

Persons with hearing impairment, please use the California Relay Service (CRS) 7-1-1.

## AVISO LEGAL

### AVISO PERTINENTE A DOS AUDIENCIAS PÚBLICAS: 1) PARA LA APROBACIÓN DEL PROYECTO DEL PLAN DE ACCIÓN ANUAL PARA EL AÑO 2020-21 Y 2) PARA LA APROBACIÓN DEL PLAN DE ACCIÓN ANUAL FINAL REFERENTE AL PROGRAMA DE SUBVENCIÓN EN BLOQUE PARA EL DESARROLLO COMUNITARIO PARA EL AÑO 2020-21

**POR MEDIO DEL PRESENTE SE NOTIFICA QUE**, una audiencia pública inicial se llevará a cabo el **miércoles 15 de abril de 2020 a las 7:00 p.m.** o tan pronto se le pueda dar audiencia al tema, en las Cámaras del Consejo Municipal en el 305 West Pine Street, Lodi, CA 95241, para considerar la aprobación del proyecto del Plan de Acción Anual para el año 2020-21 referente al Programa de Subvención en Bloque para el Desarrollo Comunitario (CDBG *siglas en Ingles*) así como para permitir comentarios públicos sobre el plan.

**POR MEDIO DEL PRESENTE SE NOTIFICA QUE**, una segunda audiencia pública se llevara a cabo el **Miércoles 6 de Mayo de 2020 a las 7:00 p.m.** o tan pronto se le pueda dar audiencia al tema, en las Cámaras del Consejo Municipal en el 305 West Pine Street, Lodi, CA 95241, para considerar la aprobación del Plan de Acción Anual Final referente al Programa de Subvención en Bloque para el Desarrollo Comunitario, así como para permitir comentarios del público sobre el plan.

Nota: Debido a las precauciones respecto a la pandemia actual sobre el COVID-19, las pautas de asistencia o comparecencia del público a las Audiencias Públicas del Consejo Municipal pueden variar. A los miembros del público se les aconseja que consulten la Agenda de Audiencia Publica en el siguiente enlace para obtener instrucciones específicas para asistir o acudir a esta reunión: <http://www.lodi.gov/agendaCenter/City-Council-5/> .Si tiene alguna pregunta, puede comunicarse con la oficina de la Actuaría Municipal por correo electrónico a [cityclerk@lodi.gov](mailto:cityclerk@lodi.gov) o por teléfono llamando al (209)333-6702 o consultando el sitio web [www.lodi.gov/154/City-Clerk](http://www.lodi.gov/154/City-Clerk).

La Ciudad calcula que obtendrá \$647,277 en fondos para el Programa de Subvención en Bloque para el Desarrollo Comunitario (CDBG), para el año 2020-21. El Programa de Subvención en Bloque para el Desarrollo Comunitario (CDBG) es financiado por el Departamento de Viviendas y Desarrollo Urbano de Los Estados Unidos (HUD). El programa proporciona fondos para actividades que benefician a personas de bajos ingresos, elimina suburbios pobres y deterioro urbano o asisten en una necesidad urgente. Las actividades elegibles incluyen, adquisición de propiedades, mejoras públicas, rehabilitación de viviendas, desarrollo económico y servicios públicos.

La Ciudad ha desarrollado un Plan de Acción Anual el cual describe como el Municipio utilizará los fondos del programa para las actividades elegibles referente al programa durante el año 2020-21. El plan puede ser modificado según sea necesario para reasignar fondos para las actividades de desarrollo comunitario y de viviendas. El Plan de Acción Anual se le hará disponible al público por lo menos 30 días antes de que sea aprobado por el Consejo Municipal. Los documentos fueron publicados el 17 de Marzo de 2020 para que los ciudadanos puedan analizarlos y puedan formular comentarios. También, estarán disponibles en el City Hall, 221 W. Pine Street entre semana, de las 8:00 a.m. and 5: 00 p.m. al igual que en el sitio web de la Ciudad referente al Desarrollo Comunitario en: <http://www.lodi.gov/183/Community-Development-Block-Grant-Progra>.

El propósito de estas audiencias públicas, será para presentar el Plan de Acción Anual para el año 2020-21 al Consejo Municipal para su aprobación, así como, proporcionarles a los ciudadanos la oportunidad de presentar sus comentarios referentes a las necesidades de la comunidad, metas, y posibles actividades que puedan ser financiadas bajo el programa CDBG. Si no puede acudir a la audiencia pública, puede dirigir sus comentarios por escrito a CDBG Program Specialist, City of Lodi, P. O Box 3006, Lodi, CA 95241 o puede llamar por teléfono al (209)333-6800 ext. 3404. Además, hay información adicional para su revisión de lunes a viernes de 8:00 a.m. a 5:00 p.m. en el Lodi City Hall.

#### **Aviso de No-Discriminación por Motivos de Discapacidad y Acomodación Razonable**

La Ciudad promueve la equidad de vivienda y pone todos sus programas disponibles a las familias de ingresos bajos y moderados, sin importar la edad, raza o etnia, color, religión, sexo, origen nacional, preferencia sexual, estado civil o incapacidad.

La Ciudad de Lodi no discrimina en la admisión o acceso a, o tratamiento o empleo en sus programas y actividades subvencionadas federalmente por razones de incapacidad. Bajo solicitud, se les proporcionará acomodaciones razonables a las personas discapacitadas. De ser solicitado, también los servicios de traducción e interpretación se les harán disponibles. Cualquier pregunta, inquietud o solicitud pertinente estos avisos deben ser dirigidas a la siguiente persona: Patrice Clemons, (209) 333-6800 x3404.

Las personas con hipoacusia (deterioro de la audición) por favor utilicen los Servicios de Relevo de California (California Relay Services) 7-1-1

# CITY OF LODI

## LEGAL ADVERTISEMENT

### ADVERTISING INSTRUCTIONS

SUBJECT: NOTICE OF TWO PUBLIC HEARINGS: 1) FOR THE APPROVAL OF THE DRAFT 2020-21 ANNUAL ACTION PLAN AND 2) FOR THE APPROVAL OF THE FINAL 2020-21 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

PUBLISH (DATES): March 28, 2020

ACCT#: 20104930

TEAR SHEETS WANTED: 1 EXTRA (ONLY) DELIVER TO: Community Development Dept.

AFFIDAVIT & BILL TO: Community Development - CDBG  
City of Lodi  
221 W. Pine Street  
Lodi, CA 95241

DATE: March 24, 2020 ORDERED BY: Patrice Clemons

TITLE: CDBG Program Specialist

## LEGAL NOTICE

### **NOTICE OF TWO PUBLIC HEARINGS: 1) FOR THE APPROVAL OF THE DRAFT 2020-21 ANNUAL ACTION PLAN AND 2) FOR THE APPROVAL OF THE FINAL 2020-21 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**NOTICE IS HEREBY GIVEN** that an initial public hearing will be held on **Wednesday, April 15, 2020, at 7:00 p.m.** or as soon thereafter as the matter may be heard, in the Lodi City Council Chambers, 305 West Pine Street, Lodi, CA 95241 to consider the approval of the Community Development Block Grant (CDBG) Program *draft* 2020-21 Annual Action Plan (Plan), as well as to allow for public comment on the Plan.

**NOTICE IS HEREBY GIVEN** that a second public hearing will be held on **Wednesday, May 6, 2020, at 7:00 p.m.** or as soon thereafter as the matter may be heard, in the Lodi City Council Chambers, 305 West Pine Street, Lodi, CA 95241 to consider the approval of the Community Development Block Grant final 2020-21 Annual Action Plan, as well as to allow for public comment on the Plan.

**Note:** Due to precautions surrounding the current COVID-19 pandemic, public attendance guidelines for City Council Public Hearings may vary. Members of the public are advised to check the Public Hearing Agenda at the following link for specific instructions for attending this meeting:

<http://www.lodi.gov/AgendaCenter/City-Council-5/>. If you have any questions, you may contact the Clerk Office by email at [cityclerk@lodi.gov](mailto:cityclerk@lodi.gov), by phone at (209) 333-6702, or by checking the website at [www.lodi.gov/154/City-Clerk](http://www.lodi.gov/154/City-Clerk).

The City is estimating that it will receive \$647,277 in CDBG funds for the 2020-21 program year. The CDBG program is funded by the U.S. Department of Housing and Urban Development (HUD). The program provides funding for activities that benefit low-income persons, eliminate slum or blight, and/or serve an urgent need. Eligible activities include property acquisition, public improvements, housing rehabilitation, economic development, and public services.

The City has developed an Annual Action Plan that describes how the City will utilize program funds for eligible activities during the 2020-21 program year. The plan can be amended as needed to reallocate funds to housing and community development activities. The 2020-21 Annual Action Plan will be made available to the public for at least 30 days before adoption by the City Council. The documents were released on March 17, 2020, for public review and comment, and will be made available at City Hall, 221 W. Pine Street, between the hours of 8:00 a.m. and 5:00 p.m. on weekdays and on the City's Community Development website: <http://www.lodi.gov/183/Community-Development-Block-Grant-Progra>.

The purpose of these public hearings will be to present the 2020-21 Annual Action Plan to City Council for their approval, as well as to give citizens an opportunity to make their comments known regarding community needs, goals, and potential activities to be funded under the CDBG Program. If you are unable to attend the public hearing, you may direct written comments to the CDBG Program Specialist, City of Lodi, P.O. Box 3006, Lodi, CA 95241, or you may telephone (209) 333-6800 ext. 3404. In addition, information is available for review at Lodi City Hall between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

**Notice of Non-Discrimination on the Basis of Disability and Reasonable Accommodation**

The City promotes fair housing and makes all its programs available to low- and moderate-income families regardless of age, race, color, religion, sex, national origin, sexual preference, marital status or handicap.

The City of Lodi does not discriminate in admission or access to, or treatment or employment in, its federally assisted programs and activities on the basis of disability. Reasonable accommodations will be made available to the disabled, upon request. Translators/translation services are also available upon request. Any questions, concerns, or requests related to these notices should be directed to the following person: Patrice Clemons, (209) 333-6800 x3404.

Persons with hearing impairment, please use the California Relay Service (CRS) 7-1-1.



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Adopt a Resolution Reaffirming the Ratification of the City Manager’s Proclamation Finding the Existence of a Local Emergency and Rendering Certain Emergency Orders, Including an Increase Related to the Local Emergency in the City Manager’s Contracting Authority for Services and Goods to a Maximum Amount of \$250,000 for the Duration of the Local Emergency

**MEETING DATE:** April 15, 2020

**PREPARED BY:** City Attorney

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**RECOMMENDED ACTION:** Staff recommends that the City Council adopt a resolution reaffirming the ratification of the City Manager’s proclamation finding the existence of a local emergency and rendering certain emergency orders, including an increase related to the local emergency in the City Manager’s contracting authority for services and goods to a maximum amount of \$250,000 for the duration of the local emergency.

**BACKGROUND INFORMATION:** At 8:00 a.m. on March 16, 2020, the City Manager declared a Local Emergency pursuant to his authority under Lodi Municipal Code section 2.32.060(A)(1). The declaration was confirmed by the City Council on March 18, 2020 (Gov. Code §8630). Action was taken in response to an outbreak of Novel Coronavirus Disease (COVID-19) in San Joaquin County.

An outbreak of Novel Coronavirus Disease (COVID-19) has spread throughout numerous countries and across the United States. As of April 6, 2020, there are 206 confirmed cases of COVID-19 in San Joaquin County, eleven fatalities, and evidence of community spread; the number of confirmed cases is anticipated to significantly increase.

COVID-19 is an infectious disease that causes respiratory illness and in some cases can result in lung lesions and pneumonia. Experts believe that a large majority of those infected will have mild cases that often resemble the flu; however, some will have more serious symptoms requiring hospitalization, particularly individuals who are elderly or have underlying chronic health conditions or immunodeficiency.

It is imperative for the City to continue preparations for and respond to suspected or confirmed cases of COVID-19 and to implement measures to mitigate the spread of COVID-19 within our community, and continue preparations to respond to an increasing number of persons requiring medical care or hospitalization.

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APPROVED: \_\_\_\_\_  
Stephen Schwabauer, City Manager

On March 4, 2020, the Governor of the State of California proclaimed a State of Emergency in California after making a determination that:

1. The conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and
2. Local authority is inadequate to cope with the threat posed by COVID-19.

On March 11, 2020, the World Health Organization declared Novel Coronavirus Disease (COVID-19) a “public health emergency of international concern” and referenced the event as a pandemic.

On March 12, 2020, San Joaquin County Public Health Services (PHS) declared a local health emergency pursuant to Health & Safety Code Section 101080.

At 10:00 a.m. on March 12, 2020, the City of Lodi opened its Emergency Operations Center (EOC).

On March 13, 2020, the President of the United States of America declared a National State of Emergency in response to the spread of COVID-19 within the United States.

On March 16, 2020, the City Manager declared a Local Emergency pursuant to his authority under Lodi Municipal Code section 2.32.060(A)(1) in response to an outbreak of Novel Coronavirus Disease (COVID-19) in San Joaquin County, the declaration of a local health emergency by PHS, and the President’s declared National State of Emergency. On March 18, 2020 the City Council ratified the proclamation of local emergency pursuant to Government Code Section 8630.

On March 20, 2020, the Public Health Officer of San Joaquin County issued a Stay-At-Home order. The order was replaced by subsequent orders dated March 21, 2020 and March 26, 2020. The March 26, 2020 order remains in effect until such time as it is rescinded by the County’s Public Health Officer.

Staff recommends that the City Council reaffirm its ratification of the City Manager’s declaration of a local emergency and continue the City Manager’s authority to contract for services and goods related to COVID-19, up to a maximum of \$250,000 from the current maximum of \$20,000, for the duration of the local emergency.

**FUNDING:** The reaffirmation of the ratification of the City Manager’s declaration of Local Emergency allows the City to continue to access federal, state and county resources, including financial reimbursements.

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Janice D. Magdich  
City Attorney

Attachment:

- 1) Resolution Reaffirming the Ratification of the Proclamation of the Director of Emergency Services for the City of Lodi Concerning the Existence of a Local Emergency and Extending the Contract Authority of the City Manager for Services and Goods related to the Emergency to \$250,000

RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
REAFFIRMING THE RATIFICATION OF THE  
PROCLAMATION OF THE DIRECTOR OF EMERGENCY  
SERVICES FOR THE CITY OF LODI CONCERNING THE  
EXISTENCE OF A LOCAL EMERGENCY AND  
EXTENDING THE CONTRACT AUTHORITY OF THE  
CITY MANAGER FOR SERVICES AND GOODS  
RELATED TO THE LOCAL EMERGENCY TO \$250,000

=====

WHEREAS, Government Code Section 8630 and Lodi Municipal Code Section 2.32.060 authorizes the City Manager as the Director of Emergency Services to proclaim a local emergency under certain circumstances if the City Council is not in session, and provides that the City Council shall ratify the proclamation within seven (7) days thereafter; and

WHEREAS, an outbreak of Novel Coronavirus Disease (COVID-19) has spread throughout numerous countries and across the United States; and

WHEREAS, COVID-19 is an infectious disease that causes respiratory illness, and in some cases can result in lung lesions and pneumonia. Experts believe that a large majority of those infected will have mild cases that often resemble the flu; however, some will have more serious symptoms requiring hospitalization, particularly individuals who are elderly or have underlying chronic health conditions or immunodeficiency; and

WHEREAS, it is imperative for the City to prepare for and be in a position to respond to suspected or confirmed cases of COVID-19 to implement measures to mitigate the spread of COVID-19 within our community, and prepare to respond to an increasing number of persons requiring medical care or hospitalization; and

WHEREAS, on January 23, 2020, the federal Centers for Disease Control and Prevention (CDC) activated its emergency response system to provide ongoing support for the response to COVID-19 in the United States; and

WHEREAS, on January 31, 2020, the Secretary of the federal Department of Health and Human Services declared a public health emergency in the United States of America to aid the nation’s healthcare community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency in California after making a determination that:

1. The conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and
2. Local authority is inadequate to cope with the threat posed by COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared Novel Coronavirus Disease (COVID-19) a “public health emergency of international concern” and referenced the event as a pandemic; and

WHEREAS, on March 12, 2020, San Joaquin County Public Health Services (PHS) declared a local health emergency pursuant to Health & Safety Code Section 101080; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a National State of Emergency in response to the spread of COVID-19 within the United States; and

WHEREAS, Lodi Municipal Code Section 2.32.050 designates the City Manager as the Director of Emergency Services for the City of Lodi; and

WHEREAS, Lodi Municipal Code Section 2.32.060(A)(1) authorizes the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency in the event the City Council is not in session; and

WHEREAS, Lodi Municipal Code section 2.32.020 defines an emergency to mean:

“[T]he actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this city, requiring the combined forces of other political subdivisions to combat. It shall not include nor does any provision of this chapter apply to any condition relating to a labor controversy.” and

WHEREAS, on March 18, 2020, the Lodi City Council ratified the Proclamation of the existence of a local emergency issued by the City Manager in his role as the City’s Director of Emergency Services on March 16, 2020 at 8:00 a.m.; and

WHEREAS, as of April 6, 2020, there are 206 confirmed cases of COVID-19 in San Joaquin County and eleven (11) fatalities, and evidence of community spread, with the number of confirmed cases being anticipated to significantly increase; and

WHEREAS, the Lodi City Council does hereby find that the aforesaid conditions of extreme peril warrant and necessitate the continued existence of a local emergency.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby reaffirm the ratification of the City Manager’s Proclamation of the existence of a local emergency in his role as the City’s Director of Emergency Services on March 16, 2020 at 8:00 a.m., attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED by the Lodi City Council that, until the local emergency is terminated, the powers, functions, and duties of the City Manager/Director of Emergency Services and the emergency organization of the City of Lodi shall be those as prescribed by State law and the ordinances, resolutions, and approved emergency services plan of the City of Lodi as determined by the City Manager/Director of Emergency Services within the National Incident Management System; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby reaffirm the approval of an increase in the City Manager's contracting authority for services and goods related to the City's response to the local emergency resulting from the COVID-19 pandemic, to a maximum amount of \$250,000 from the current maximum of \$20,000, for the duration of the local emergency; and

BE IT FURTHER RESOLVED that the Purchasing System set forth in Lodi Municipal Code Chapter 3.20 is suspended for the duration of the local emergency as to the purchase of goods and services related to the City's response to the local emergency resulting from the COVID-19 pandemic; and

BE IT FURTHER RESOLVED that disclosure of the purchase of goods and services in an amount over \$10,000, and related to the City's response to the local emergency resulting from the COVID-19 pandemic, will be submitted to the City Council concurrent with the Council's reaffirmation of the ratification of the Proclamation declaring the existence of a local emergency. State law requires that the City Council ratify the Proclamation every thirty (30) days hereafter until the local emergency is terminated.

Dated: April 15, 2020

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I hereby certify that Resolution No. 2020-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2020, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

PAMELA M. FARRIS  
Assistant City Clerk

Approved as to Form:

\_\_\_\_\_  
Janice D. Magdich  
City Attorney

2020-\_\_\_\_\_



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Adopt Resolution of Intention Approving an Amendment to the Contract Between the Board of Administration of the California Public Employees' Retirement System (PERS) and the City of Lodi and Introduce Ordinance Amending the Contract Between PERS and the City of Lodi With Regard to Providing Government Code Section 20516 (Employees Sharing Additional Cost) of One Percent for Local Miscellaneous Members in the International Brotherhood of Electrical Workers Group

**MEETING DATE:** April 15, 2020

**PREPARED BY:** Human Resources Manager

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**RECOMMENDED ACTION:** Adopt Resolution of Intention approving an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System (PERS) and the City of Lodi and introduce ordinance amending the contract between PERS and the City of Lodi with regard to providing Government Code Section 20516 (Employees Sharing Additional Cost) of One percent new local miscellaneous members in the International Brotherhood of Electrical Workers group.

**BACKGROUND INFORMATION:** Recently, the City negotiated a new labor agreement (MOU) with the International Brotherhood of Electrical Workers (IBEW). The parties mutually agreed to enter into a cost-sharing agreement whereby local miscellaneous members in the IBEW Group will pay 1 percent of the employer's normal contribution toward CalPERS, pursuant to Government Code Section 20516. As such, the City must formally amend its contract with CalPERS to include this new cost-sharing provision for IBEW.

There are various steps in the process to amend the contract between CalPERS and the City. The first step is to adopt the Resolution of Intention and to introduce the Ordinance amending the contract. The second step is the final reading and adoption of the Ordinance, scheduled to occur on May 6, 2020. If adopted, the contract will be amended effective July 13, 2020. Employees will begin their cost-sharing deduction as of July 13, 2020. The intent of the amendment is to require CalPERS to credit those extra contributions to the employee's personal account.

**FISCAL IMPACT:** There is no cost associated with this action. By approving the contract amendment, the City Council will be allowing IBEW members to have the 1 percent employer contribution credited to their individual account rather than the City account. This is similar to all other cost-sharing arrangements the City has with other bargaining groups.

**FUNDING AVAILABLE:** Not applicable.

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APPROVED: \_\_\_\_\_  
Steve Schwabauer, City Manager

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Adele Post,  
Human Resources Manager

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Andrew Keys,  
Deputy City Manager/Internal Services Director

**RESOLUTION OF INTENTION  
TO APPROVE AN AMENDMENT TO CONTRACT  
BETWEEN THE  
BOARD OF ADMINISTRATION  
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
AND THE  
CITY COUNCIL  
CITY OF LODI**

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20516 (Employees Sharing Additional Cost) of 1% for local miscellaneous members in the International Brotherhood of Electrical Workers unit.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By: \_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date adopted and approved

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
AUTHORIZING AN AMENDMENT TO THE CONTRACT  
BETWEEN THE CITY COUNCIL OF THE CITY OF LODI AND  
THE BOARD OF ADMINISTRATION OF THE CALIFORNIA  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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THE CITY COUNCIL OF THE CITY OF LODI DOES ORDAIN AS FOLLOWS:

SECTION 1. That an amendment to the contract between the City Council of the City of Lodi and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a true and correct copy of the Amendment to Contract ("Amendment") is attached hereto as Exhibit A and made a part hereof as though fully set forth herein.

SECTION 2. The Mayor of the City of Lodi is hereby authorized, empowered, and directed to execute the Amendment for and on behalf of the City of Lodi.

SECTION 3. This Ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect thirty days from and after the passage and approval by the City Council of the City of Lodi.

Approved this 6th day of May, 2020

ATTEST:

\_\_\_\_\_  
Doug Kuehne  
Mayor

\_\_\_\_\_  
PAMELA M. FARRIS  
Assistant City Clerk

I, Pamela M. Farris, Assistant City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held April 15, 2020, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held May 6, 2020, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. \_\_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

Approved as to Form:

\_\_\_\_\_  
PAMELA M. FARRIS  
Assistant City Clerk

Janice D. Magdich  
\_\_\_\_\_  
JANICE D. MAGDICH  
City Attorney



## EXHIBIT A

California  
Public Employees' Retirement System

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# AMENDMENT TO CONTRACT

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Lodi

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The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective June 1, 1966, and witnessed April 27, 1966, and as amended effective July 6, 1966, May 1, 1970, July 1, 1973, July 1, 1977, April 1, 1991, July 7, 1993, June 30, 1996, November 15, 1998, June 12, 2000, May 17, 2003, June 17, 2010, December 24, 2012, May 20, 2019 and January 27, 2020 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 18 are hereby stricken from said contract as executed effective January 27, 2020, and hereby replaced by the following paragraphs numbered 1 through 18 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members, age 62 for new local miscellaneous members, age 50 for classic local safety members entering membership in the safety classification on or prior to December 24, 2012, age 55 for classic local safety members entering membership for the first time in the safety classification after December 24, 2012, and age 57 for new local safety members.

## PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after June 1, 1966 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
  - a. Local Fire Fighters (herein referred to as local safety members);
  - b. Local Police Officers (herein referred to as local safety members);
  - c. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

PLEASE DO NOT SIGN "EXHIBIT ONLY"

**a. PERSONS COMPENSATED ON AN HOURLY BASIS WHO ARE HIRED JUNE 1, 1966 OR THEREAFTER.**

6. Assets heretofore accumulated with respect to members in the local retirement system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.
7. Benefits paid to pensioners and annuitants under the local system on the effective date of the contract were recalculated, as authorized by Section 20481 of the Government Code, to conform with benefits applicable to persons retiring after the effective date of the contract except that no benefit which would have been payable under the continuation of the local system shall be reduced.
8. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service prior to June 30, 1977, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
10. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local safety member entering membership in the safety classification on or prior to December 24, 2012 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
11. The percentage of final compensation to be provided for each year of credited current service as a classic local safety member entering membership for the first time in the safety classification after December 24, 2012 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
12. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
13. Public Agency elected and elects to be subject to the following optional provisions:

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- a. Section 21536 (Local System Service Credit Included in Basic Death Benefit).
- b. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
- c. Sections 21624 and 21626 (Post-Retirement Survivor Allowance) for local miscellaneous members only.
- d. Section 21573 (Third Level of 1959 Survivor Benefits).
- e. Section 21427 (Improved Nonindustrial Disability Allowance) for local miscellaneous members only.
- f. Section 20042 (One-Year Final Compensation) for classic local safety members entering membership on or prior to December 24, 2012.
- g. Section 20903 (Two Years Additional Service Credit).
- h. Section 20434 ("Local Fire Fighter" shall include any officer or employee of a fire department employed to perform firefighting, fire prevention, fire training, hazardous materials, emergency medical services, or fire or arson investigation services as described in Government Code Section 20434).
- i. Section 20965 (Credit for Unused Sick Leave).
- j. Section 20938 (Limit Prior Service to Members Employed on Contract Date) for elected officials employed on November 15, 1998.
- k. Section 21024 (Military Service Credit as Public Service).
- l. Section 20475 (Different Level of Benefits): Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three - Year Final Compensation), are applicable to classic local safety members entering membership for the first time with this agency in the safety classification after Decemeber 24, 2012.
- m. Section 20516 (Employees Sharing Additional Cost):

From and after May 20, 2019, 3% for local miscellaneous members in the Unrepresented Confidential Mid-Management group, Unrepresented Confidential General Services group, Unrepresented Executive Management group, Unrepresented Council Appointees group, Lodi City Mid-Management, AFSCME Maintenance and Operators Unit Local 146 and Lodi Police Dispatchers group.

From and after May 20, 2019, 2% for local miscellaneous members in the AFSCME General Services Unit Local 146.

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From and after May 20, 2019, 3% for local fire members in the Lodi Professional Firefighters and Lodi Fire Mid-Management unit.

From and after May 20, 2019, 3% for local police members in the Lodi Police Mid-Management unit.

From and after May 20, 2019, 3% for classic local police members in the Police Officers Association of Lodi.

From and after January 27, 2020, 6% for new local police members in the Police Officers Association of Lodi.

From and after the effective date of this amendment to contract, 1% for local miscellaneous members in the International Brotherhood of Electrical Workers unit.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

14. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on January 1, 1977. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
15. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
16. Public Agency shall also contribute to said Retirement System as follows:
  - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members and local safety members.
  - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

- c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
17. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
  18. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF LODI

BY \_\_\_\_\_  
ARNITA PAIGE, CHIEF  
PENSION CONTRACTS AND PREFUNDING  
PROGRAMS DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk

**Approved as to form**

\_\_\_\_\_  
City Attorney



# CITY OF LODI COUNCIL COMMUNICATION

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**AGENDA TITLE:** Appointment of Replacements for City Council Member Service on Various Boards, Committees, and Commissions

**MEETING DATE:** April 15, 2020

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Appointment of replacements for City Council Member service on various boards, committees, and commissions.

**BACKGROUND INFORMATION:** With the passing of Council Member Johnson, it is necessary to appoint replacements for the various boards, committees, and commissions on which he served. Staff asks for direction on appointments for the following groups. Details of the groups are included on the attached Council service roster.

- City of Lodi Risk Oversight Committee
- Northern California Power Agency (Alternate)
- San Joaquin County Solid Waste Management Task Force
- San Joaquin Joint Powers Authority
- San Joaquin Partnership
- San Joaquin Regional Rail Commission

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

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Pamela M. Farris  
Assistant City Clerk

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**APPROVED:** \_\_\_\_\_  
Stephen Schwabauer, City Manager



## CITY COUNCIL SERVICE ON VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES

**CITY OF LODI RISK OVERSIGHT COMMITTEE** – Comprised of Council Member serving as NCPA Alternate Board member, City Manager, Deputy City Manager, City Attorney, and Electric Utility Director, no term limit. Meetings every three to six months or as otherwise called. *Contact: Jeff Berkheimer, Electric Utility Director, (209) 333-6762*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Bob Johnson	333-6702	January 6, 2015	Unspecified

Appointments made by the City Council by motion action.

**DELTA PROTECTION COMMISSION** – Comprised of representatives from member counties and cities within the Delta, two-year term. Meetings every third Thursday or as otherwise called. *Contact: Erik Vink, Executive Director, (916) 376-8942*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Alan Nakanishi, Delegate	333-6702	February 20, 2019	Unspecified

Appointments made by a City Selection Committee comprised of all seated Mayors in San Joaquin County. Council Member required.

**EASTERN SAN JOAQUIN GROUNDWATER JOINT POWERS AUTHORITY** – Comprised of 1 representative and 1 alternate from each member municipality/agency, no term limit. Board meetings are TBA and are held at San Joaquin County Agricultural Center, 2101 E. Earhart Avenue, Assembly Rm. #1, Stockton. *Contact: Charlie Swimley, Public Works Director, (209) 333-6706*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Alan Nakanishi, Delegate	333-6702	April 5, 2017	Unspecified
Charlie Swimley, Alternate Or Designee	333-6706	April 5, 2017	Unspecified

Appointments made by the City Council by motion action.

**LEAGUE OF CALIFORNIA CITIES CENTRAL VALLEY DIVISION EXECUTIVE COMMITTEE** – Comprised of 1 representative and 1 alternate from each member municipality from which there is no officer; 2 Lodi reps., no term limit. Meetings as called. *Contact: Stephen Qualls, LCC/CVD Public Affairs Regional Manager, 614-0118*

Purpose: Led by the Executive Board, the Committee guides member city activities and efforts to improve fellowship and cooperation among member cities and increase the quality, responsiveness, and vitality of Central Valley local governments.

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
JoAnne Mounce	333-6702	March 1, 2006	Unspecified
Stephen Schwabauer, City Manager	333-6700	March 1, 2006	Unspecified

*(Pursuant to City Council Protocol Manual Section 4.2b, the Mayor and Mayor Pro Tempore shall be the voting delegate and alternate for the National League of Cities and League of California Cities annual business meetings, unless a Council Member serves in a League of California Cities capacity, then priority will be given to that individual to serve as voting delegate.)*

Appointments made by the City Council by motion action. Council Member to serve as representative, City Manager as Alternate.

**LEAGUE OF CALIFORNIA CITIES EXECUTIVE BOARD** – Meets quarterly. *Contact: Mimi Sharpe, LCC Executive Assistant, (916) 658-8232*

Purpose: The League board of directors is responsible for the overall supervision, control, and direction of the League. Only city officials from League member cities are eligible for membership on the board of directors..

	<u>Business</u>	<u>Appointed</u>
JoAnne Mounce, Board Member	333-6702	September 2018

**LOCAL AGENCY FORMATION COMMISSION (LAFCO)** – 1 Lodi rep., 4-year term. Meets 2<sup>nd</sup> Thursday of each month at 9:00 a.m., Board of Supervisors' Chambers, 44 N. San Joaquin Street, 6<sup>th</sup> Floor, Stockton. *Contact: James Glaser, LAFCO Executive Officer, 468-3198*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>

Appointments made by a City Selection Committee comprised of all seated Mayors in San Joaquin County. Council Member required.

**NOTE: Lodi will have a member in 2027.**

## CITY COUNCIL SERVICE ON VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES

**NORTHEASTERN SAN JOAQUIN COUNTY GROUNDWATER BANKING AUTHORITY** – 1 Lodi rep., 4-year term. Board meets 2<sup>nd</sup> Wednesday of each month, 9:30 a.m. at the San Joaquin County Agricultural Center, 2101 E. Earhart Avenue, Assembly Rm. #1, Stockton. *Contact: Brandon Nakagawa, Water Resources Coordinator, 468-3089*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Alan Nakanishi, Delegate	333-6702	January 6, 2015	Unspecified
Water Plant Superintendent, Alternate <i>Travis Kahrs</i>	333-6878	May 2019	Unspecified

Coordinating Committee meets 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays. Mr. Richle serves as the representative on the committee.

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member not required.

**NORTHERN CALIFORNIA POWER AGENCY (NCPA)** – 1 Lodi rep., no term limit. Meets 4th Thursday of each month at 9:30 a.m. at various locations. *Contact: Cary Padget, NCPA, (916) 781-4202*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Mark Chandler, Delegate	333-6702	January 6, 2015	Unspecified
Bob Johnson, Alternate	333-6702	January 6, 2015	Unspecified
Electric Utility Director, Alternate <i>Jeff Berkheimer</i>	333-6762	June 21, 2010	Unspecified
Rates & Resources Manager, Alternate <i>Melissa Price</i>	333-6811	January 8, 2019	Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required (Delegate only).

**SAN JOAQUIN COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY** – 1 Lodi rep., no term limit. Meeting date/time/location varies. *Contact: Carla Raborn, (209) 468-3229*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Alan Nakanishi	333-6702	January 6, 2015	Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

**SAN JOAQUIN COUNCIL OF GOVERNMENTS (SJCOG)** – 1 Lodi rep., no term limit. Meets 4th Thursday of each month at 5:00 p.m., 555 East Weber Avenue, Stockton. *Contact: Andrew Chesley, SJCOG, 235-0444*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Doug Kuehne, Delegate	333-6702	January 6, 2015	Unspecified
Alan Nakanishi, Alternate	333-6702	January 5, 2011	Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

**SAN JOAQUIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT – WATER ADVISORY COMMISSION** – 1 Lodi rep., 4-year term. Meets 3rd Wednesday of each month at 1:00 p.m., Public Health Building Conference Room, 1601 Hazelton, Stockton. *Contact: Lynn Hoffman, Public Works Dept., 468-3531 (mlhoffman@sjgov.org)*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Public Works Director, Delegate <i>Charlie Swimley</i>	333-6706	January 6, 2015	February 22, 2021
Water Plant Superintendent, Alternate <i>Travis Kahrs</i>	333-6878	May 2019	February 22, 2021

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member preferred, not required.

**SAN JOAQUIN COUNTY SOLID WASTE MANAGEMENT TASK FORCE** – 1 Lodi rep., no term limit. Meeting as called, 1810 E. Hazelton, Stockton. *Contact: David Gorton, County Public Works, 468-3066*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Bob Johnson	333-6702	January 6, 2015	Unspecified

Membership determined by Board of Supervisors and a majority of cities within the County which contain a majority of the population of the County. Council Member required.

# CITY COUNCIL SERVICE ON VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES

**SAN JOAQUIN JOINT POWERS AUTHORITY** – 1 Lodi rep., no term limit. Meets quarterly; location varies. *Contact: Stacey Mortensen, Executive Director, (209) 944-6220*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Bob Johnson	333-6702	December 12, 2012	Unspecified

**SAN JOAQUIN PARTNERSHIP** – 1 Lodi rep., 4-year term. Meets 4<sup>th</sup> Thursday of each month at 8:00 a.m., 2800 W. March Lane, Suite 470, Stockton. *Contact: Chris Bamesberger-Youngsma, 956-3380*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Bob Johnson, Delegate	333-6702	February 16, 2005	Unspecified
JoAnne Mounce, Alternate	333-6702	December 4, 2019	Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

**SAN JOAQUIN REGIONAL RAIL COMMISSION** – 1 Lodi rep., no term limit. Meets 1st Friday of the month at 8:00 a.m., 949 E. Channel Street, Stockton. *Contact: Stacey Mortensen, Executive Director, (209) 944-6220*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Bob Johnson	333-6702	December 7, 2012	Unspecified

**SAN JOAQUIN VALLEY SPECIAL CITY SELECTION COMMITTEE** – 1 Lodi rep., no term limit. Meetings as called. Meetings held at Central Region Office, Governing Board Room, 1990 E. Gettysburg Avenue, Fresno, CA (or via teleconference at one of these locations: Central Region Office in Fresno, Northern Region Office in Modesto, and Southern Region Office in Bakersfield). *Contact: Seyed Sadredin, Executive Director, San Joaquin Valley APCD, (559) 230-6036*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Mayor, Delegate Doug Kuehne	333-6702	February 5, 2020	Unspecified
Mayor Pro Tempore, Alternate Alan Nakanishi	333-6702	February 5, 2020	Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action. Council Member required.

**TRANSMISSION AGENCY OF NORTHERN CALIFORNIA (TANC)** – 1 Lodi rep., no term limit. Meets 3rd Wednesday after the 1<sup>st</sup> Monday of every month, with additional special meetings as called. Meetings held at 10:00 a.m. at 35 Iron Point Circle, Suite 225, Folsom (location of firm which officiates over TANC activities). *Contact: Mardelle Moreno, Navigant, (916) 631-3269*

	<u>Business</u>	<u>Appointed</u>	<u>Expires</u>
Electric Utility Director, Delegate Jeff Berkheimer	333-6762	August 12, 2019	Unspecified
Rates & Resources Manager, Alternate Melissa Price	333-6762	January 6, 2015	Unspecified

Appointments made by the Mayor with concurrence of the City Council by motion action.

Posted pursuant to Section 54972 of the State of California Government Code. Questions regarding this posting should be directed to the City Clerk's Office at (209) 333-6702.

Dated: February 5, 2020

\_\_\_\_\_  
Pamela M. Farris  
Assistant City Clerk

Distribution (20):

- |                  |                             |
|------------------|-----------------------------|
| B&C File         | Electric Utility Director   |
| City Attorney    | Library (per State Statute) |
| City Clerk (3)   | Posting (4)                 |
| City Council (5) | Public Works Director       |