

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MARCH 19, 2014**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of March 19, 2014, was called to order by Mayor Katzakian at 6:30 p.m.

Present: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian

Absent: None

Also Present: Interim City Manager Schwabauer, Interim City Attorney Magdich, and City Clerk Johl-Olson

C-2 Announcement of Closed Session

- a) Conference with Jordan Ayers, Deputy City Manager, and Adele Post, Human Resources Manager (Labor Negotiators), Regarding Fire Mid-Managers and Lodi Professional Firefighters; Conference with Adele Post, Human Resources Manager, and Dean Gualco, Library Services Director (Labor Negotiators), Regarding International Brotherhood of Electrical Workers Pursuant to Government Code §54957.6

C-3 Adjourn to Closed Session

At 6:30 p.m., Mayor Katzakian adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:50 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Katzakian reconvened the City Council meeting, and Interim City Attorney Magdich disclosed the following action. In regard to Item C-2 (a), this item was discussion only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of March 19, 2014, was called to order by Mayor Katzakian at 7:00 p.m.

Present: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian

Absent: None

Also Present: Interim City Manager Schwabauer, Interim City Attorney Magdich, and City Clerk Johl-Olson

B. Presentations

B-1 Walk for the Health of It Proclamation (CLK)

Mayor Katzakian presented proclamation to Jill De Herrera, Executive Administrative Assistant with the Lodi Memorial Hospital Foundation, proclaiming Saturday, May 3, 2014, as "Walk for the Health of It" day in the City of Lodi.

B-2 Arbor Day Proclamation (PRCS)

Mayor Katzakian presented proclamation to Parks Superintendent Steve Dutra proclaiming Wednesday, April 2, 2014, as "Arbor Day" in the City of Lodi.

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

Council Member Johnson made a motion, second by Council Member Mounce, to approve the following items hereinafter set forth, except those otherwise noted, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$6,056,480.86 (FIN)

Claims were approved in the amount of \$6,056,480.86.

C-2 Approve Minutes (CLK)

The minutes of March 4, 2014 (Shirtsleeve Session), March 5, 2014 (Regular Meeting), and March 11, 2014 (Shirtsleeve Session) were approved as written.

C-3 Approve Specifications and Authorize Advertisement for Bids for LED Street Light Retrofit Project (EU)

Approved the specifications and authorized advertisement for bids for LED Street Light Retrofit Project.

C-4 Adopt Resolution Authorizing the Purchase of 2014 Leeboy Asphalt Paver from Nixon-Egli Equipment Company, of Tracy (\$137,760.48), and Appropriating Funds (\$37,760.48) (PW)

Adopted Resolution No. 2014-34 authorizing the purchase of 2014 Leeboy asphalt paver from Nixon-Egli Equipment Company, of Tracy, in the amount of \$137,760.48 and appropriating funds in the amount of \$37,760.48.

C-5 Adopt Resolution Authorizing the Interim City Manager to Execute Agreements with the Following Entities for the Water Meter Program Phase 4 and Non-Residential Meter Projects and Appropriating Funds (\$4,514,643): a) Awarding Phase 4 Water Meter Installation Contract to Teichert Construction, of Davis (\$3,645,238); b) Task Order No. 6 with RMC Water and Environment, of Walnut Creek, for Engineering Services During Construction (\$46,445); and c) Neil O. Anderson and Associates, of Lodi, for Construction Testing and Inspection Services (\$527,960) (PW)

Adopted Resolution No. 2014-35 authorizing the Interim City Manager to execute agreements with the following entities for the Water Meter Program Phase 4 and Non-Residential Meter Projects and appropriating funds in the total amount of \$4,514,643: a) awarding Phase 4 Water Meter Installation Contract to Teichert Construction, of Davis, in the amount of \$3,645,238; b) Task Order No. 6 with RMC Water and Environment, of Walnut Creek, for engineering services during construction in the amount of \$46,445; and c) Neil O. Anderson and Associates, of Lodi,

for construction testing and inspection services in the amount of \$527,960.

C-6 Adopt Resolution Awarding Contract for Water Meter Program Non-Residential Phase to Teichert Construction, of Davis (\$754,055), and Appropriating Funds (\$800,000) (PW)

Adopted Resolution No. 2014-36 awarding contract for Water Meter Program Non-Residential Phase to Teichert Construction, of Davis, in the amount of \$754,055 and appropriating funds in the amount of \$800,000.

C-7 Adopt Resolution Authorizing the City Manager to Execute Measure K Renewal Cooperative Agreement for Acquisition of Right-of-Way for Harney Lane Grade Separation Project and Appropriating Funds (\$1,071,900) (PW)

Adopted Resolution No. 2014-37 authorizing the City Manager to execute Measure K Renewal Cooperative Agreement for acquisition of right-of-way for Harney Lane Grade Separation Project and appropriating funds in the amount of \$1,071,900.

C-8 Adopt Resolution Approving Submittal of Federal Transit Administration Section 5339 Grant Documents to Caltrans and Authorizing Transportation Manager to Submit All Necessary Paperwork and Reimbursement Requests (PW)

Adopted Resolution No. 2014-38 approving submittal of Federal Transit Administration Section 5339 grant documents to Caltrans and authorizing Transportation Manager to submit all necessary paperwork and reimbursement requests.

C-9 Adopt Resolution Authorizing the City Manager to Execute Professional Services Agreement for Power Resource Planning Support with Robertson-Bryan, Inc., of Elk Grove (\$200,000) (EU)

Adopted Resolution No. 2014-39 authorizing the City Manager to execute Professional Services Agreement for power resource planning support with Robertson-Bryan, Inc., of Elk Grove, in the amount of \$200,000.

C-10 Adopt Resolutions Authorizing the City Manager to Execute Professional Services Agreements Res. for Electric Utility Compliance Support with URS Corporation, of Sacramento (\$51,000), and Duncan, Weinberg, Genzer & Pembroke, P.C., of Washington D.C. (\$47,500) (EU)

Adopted Resolution No. 2014-40 authorizing the City Manager to execute Professional Services Agreement for Electric Utility compliance support with URS Corporation, of Sacramento, in the amount of \$51,000 and Resolution No. 2014-41 authorizing the City Manager to execute Professional Services Agreement with Duncan, Weinberg, Genzer & Pembroke, P.C., of Washington D.C. in the amount of \$47,500.

C-11 Adopt Resolution Authorizing the City Manager and Lodi Police Department to Renew the Tow Service Contract and Reset the Tow Truck Driving Application, Renewal, and VIN Verification Fees (PD)

Adopted Resolution No. 2014-42 authorizing the City Manager and Lodi Police Department to renew the tow service contract and reset the tow truck driving application, renewal, and VIN verification fees.

C-12 Authorize the Mayor, on Behalf of the City Council, to Send a Letter of Support for SB 1262 - Medical Marijuana (Correa) (CLK)

Authorized the Mayor, on behalf of the City Council, to send a letter of support for SB 1262 - Medical Marijuana (Correa).

C-13 Set Public Hearing for April 2, 2014, to Consider the Draft 2014-2018 Consolidated Plan for the Community Development Block Grant Program (CD)

Set public hearing for April 2, 2014, to consider the draft 2014-2018 Consolidated Plan for the Community Development Block Grant 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.

Larry Picard, representing Waste Management, invited the City Council and the citizens of Lodi to participate in the Keep Lodi Beautiful event on May 3, 2014.

Marilyn Hughes spoke in regards to water safety and the establishment of a Lodi Adaptive Paddling Center.

Captain Martin Ross of the Salvation Army provided an update of community services and current events at the Salvation Army.

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

Council Member Johnson reported on his attendance at a recent meeting at Lodi Lake in regards to receiving grant funding for improving the boat ramp and asked that staff look into options for becoming an aquatics center to become eligible for additional grant funds.

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

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 Katzakian 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.

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding the pre-approved adjustment for solid waste collection. Specific topics of discussion included contract terms, consumer price index, County gate fees and example rate changes.

In response to Mayor Pro Tempore Hansen, Tom Sanchez representing Waste Management,

stated that the County has increased the gate fee every year since 2003 and the fee is based on a formula including the Construction Cost Index (CCI).

In response to Council Member Nakanishi, Mr. Schwabauer stated if the City Council does not approve the pre-approved rate adjustment, staff will need to have a conversation with Waste Management regarding how to alleviate the contractual breach.

In response to Council Member Mounce, Mr. Schwabauer stated staff can look into options of discussing a sunset clause for gate fees with the County when the City's agreement with the County is reviewed again.

Mayor Pro Tempore Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2014-43 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 Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian

Noes: None

Absent: None

H. Communications

H-1 Monthly Protocol Account Report (CLK)

Council Member Mounce made a motion, second by Mayor Pro Tempore Hansen, to approve the cumulative Monthly Protocol Account Report through February 28, 2014.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian

Noes: None

Absent: None

I. Regular Calendar

I-1 Introduce Ordinance Adding an Exemption for an Expansion of Existing Non-Conforming Uses Within the Mixed Use Corridor Zone (CD)

Senior Planner Craig Hoffman provided a brief presentation regarding the proposed ordinance adding an exemption for certain existing non-conforming uses within the mixed-use corridor zone and reviewed related maps.

In response to Mayor Pro Tempore Hansen, Mr. Schwabauer stated the proposed ordinance amendment originated from a particular business in town that desired to expand, and in the review process, brought to light other parcels that were affected. Mr. Schwabauer stated that the proposed amendment only affects existing businesses and not new businesses.

In response to Council Member Mounce, Mr. Schwabauer stated existing businesses will be grandfathered and the use is transferable as long as the use does not change.

In response to Council Member Johnson, Mr. Schwabauer stated the proposed ordinance does

not affect future purchases of parcels for new businesses.

Jeff Kirst and Arnie Prince spoke in support of the proposed ordinance.

Mayor Pro Tempore Hansen made a motion, second by Council Member Mounce, to introduce Ordinance No. 1893 adding an exemption for an expansion of existing non-conforming uses within the Mixed Use Corridor zone.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian

Noes: None

Absent: None

- I-2 Take the Following Actions: a) Adopt Resolution Approving One-Time 2014 Adjustments and Other Revisions to Statement of Benefits with Lodi Fire Mid-Management and Appropriating Funds (\$20,100); and b) Adopt Resolution Approving One-Time 2014 Adjustments to Memorandum of Understanding with Lodi Professional Firefighters and Appropriating Funds (\$164,700) (CM)

Interim City Manager Steve Schwabauer provided a brief overview of the proposed resolutions pertaining to the Lodi Fire Mid-Management and Lodi Professional Firefighters as set forth in the Council Communication.

In response to Council Member Nakanishi, Mr. Schwabauer stated employees have not seen increases in their salary since 2007 or 2008 and since that time have experienced a 7%-12% reduction in pay.

Council Member Mounce made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2014-44 approving one-time 2014 adjustments and other revisions to Statement of Benefits with Lodi Fire Mid-Management and appropriating funds in the amount of \$20,100; and to adopt Resolution No. 2014-45 approving one-time 2014 adjustments to Memorandum of Understanding with Lodi Professional Firefighters and appropriating funds in the amount of \$164,700.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, Mayor Pro Tempore Hansen, and Mayor Katzakian

Noes: None

Absent: None

- J. Ordinances - None

- K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:50 p.m. in memory of Kara Adams, Mike Lapenta and Joseph Olds.

ATTEST:

Randi Johl-Olson  
City Clerk