

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 20, 2019**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of February 20, 2019, was called to order by Mayor Chandler at 6:00 p.m.

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

Absent: Council Member Nakanishi

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

C-2 Announcement of Closed Session

- a) Conference with Adele Post, Human Resources Manager, and Andrew Keys, Deputy City Manager (Labor Negotiators), Regarding Fire Mid-Management, International Brotherhood of Electrical Workers, Lodi Police Dispatchers Association, Police Officers Association of Lodi, and Police Mid-Management Pursuant to Government Code §54957.6 (CM)
- b) Conference with Legal Counsel – Anticipated Litigation – Pursuant to Government Code §54956.9(d)(4) and 54954.5(c); Two Potential Cases (CA)

C-3 Adjourn to Closed Session

At 6:00 p.m., Mayor Chandler adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:31 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:03 p.m., Mayor Chandler reconvened the City Council meeting, and City Attorney Magdich disclosed the following actions.

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

A. Call to Order / Roll Call

The Regular City Council meeting of February 20, 2019, was called to order by Mayor Chandler at 7:03 p.m.

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

Absent: Council Member Nakanishi

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

B. Presentations – None

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, Mayor Pro Tempore Kuehne, and Mayor Chandler

Noes: None

Absent: Council Member Nakanishi

C-1 Receive Register of Claims for January 18, 2019 through January 31, 2019 in the Amount of \$2,655,693.09 (FIN)

Claims were approved in the amount of \$2,655,693.09.

C-2 Approve Minutes (CLK)

The minutes of January 29, 2019 (Shirtsleeve Session) and February 5, 2019 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Kofu Park Court Resurfacing Improvements (PW)

Item C-3 was pulled from the agenda pursuant to staff's request.

C-4 Adopt Resolution Authorizing City Manager to Waive Bid Process and Purchase One Bucket Truck with Material Handling System, Mounted on 2019 Ford F550 Chassis from Altec Industries, Inc., of Dixon, Utilizing the Competitively Bid Sourcewell Contract No. 012418-ALT (\$172,538), and Appropriating Funds (\$12,538) (PW)

Mayor Pro Tempore Kuehne made a brief comment on C-4, commending Public Works staff for its efforts in negotiating a decent price for this vehicle.

Adopted Resolution No. 2019-15 authorizing the City Manager to waive bid process and purchase one bucket truck with material handling system, mounted on 2019 Ford F550 chassis from Altec Industries, Inc., of Dixon, utilizing the competitively-bid Sourcewell Contract No. 012418-ALT, in the amount of \$172,538, and appropriating funds in the amount of \$12,538.

C-5 Adopt Resolution Authorizing Purchases of Electronic Fare Collection Systems and Ancillary Equipment for Lodi Transit Vehicles from GFI Genfare, of Elk Grove Village, Illinois (\$186,000) (PW)

Adopted Resolution No. 2019-16 authorizing purchases of electronic fare collection systems and ancillary equipment for Lodi Transit vehicles from GFI Genfare, of Elk Grove Village, Illinois, in the amount of \$186,000.

C-6 Adopt Resolution Awarding Bid for Purchase of Two Pad-Mounted Switches from Anixter, Inc., of Benicia (\$55,818.81) (EU)

Adopted Resolution No. 2019-17 awarding bid for purchase of two pad-mounted switches from Anixter, Inc., of Benicia, in the amount of \$55,818.81.

C-7 Adopt Resolution Awarding Bid for Purchase of Medium Voltage Cable from The Okonite Company, of San Ramon (\$208,496.26) (EU)

Adopted Resolution No. 2019-18 awarding bid for purchase of medium voltage cable from The Okonite Company, of San Ramon, in the amount of \$208,496.26.

C-8 Adopt Resolution Authorizing City Manager to Execute Agreement with Report Systems, Inc., DBA Emergency Reporting, for Application Hosting and Technology Support Services, and Authorizing Fire Chief to Approve Change Orders as Needed (\$41,176.30) (FD)

Adopted Resolution No. 2019-19 authorizing the City Manager to execute an agreement with Report Systems, Inc., DBA Emergency Reporting, for application hosting and technology support services, and authorizing the Fire Chief to approve change orders as needed, in the amount of \$41,176.30.

C-9 Adopt Resolution Authorizing City Manager to Execute Two-Year Extension to Professional Services Agreement; and Two Optional One-Year Extensions with the Pun Group, of Santa Ana, for Auditing Services (\$249,772) (CM)

Adopted Resolution No. 2019-20 authorizing the City Manager to execute a two-year extension to the Professional Services Agreement and two optional one-year extensions with the Pun Group, of Santa Ana, for auditing services, in the amount of \$249,772.

C-10 Accept Improvements Under Contract for Transit Station Security Fencing Project (PW)

Accepted improvements under contract for Transit Station Security Fencing Project.

C-11 Receive Annual Report Regarding Boards, Committees, and Commissions Relating to Attendance, Training, and Filing Requirements (CLK)

Mayor Pro Tempore Kuehne made a brief comment on C-11, stating it was difficult to read some of the attendance reports. City Clerk Ferraiolo responded that, in the future, all board and commission liaisons will be asked to utilize the same format for consistency and ease in reading the reports.

Received annual report regarding boards, committees, and commissions relating to attendance, training, and filing requirements.

C-12 Adopt Resolution Approving Budget and Fiscal Policies for Fiscal Year 2019/20 and Fiscal Year 2020/21 (CM)

Adopted Resolution No. 2019-21 approving Budget and Fiscal Policies for Fiscal Year 2019/20 and Fiscal Year 2020/21.

C-13 Set Public Hearing for March 20, 2019, to Consider Adopting Resolution Setting Pre-Approved Engineering News Record Adjustment Index for Usage-Based and Flat Water Rates for Residential, Commercial, and Industrial Customers (PW)

Set public hearing for March 20, 2019, to consider adopting resolution setting pre-approved Engineering News Record adjustment index for usage-based and flat water rates for residential, commercial, and industrial customers.

C-14 Set Public Hearing for March 20, 2019, to Consider Resolution Adopting Pre-Approved, Proposition 218 Consumer Price Index-Based Annual Adjustment to Rates for Solid Waste Collection (PW)

Set public hearing for March 20, 2019, to consider resolution adopting pre-approved Proposition 218 Consumer Price Index-based annual adjustment to rates for solid waste collection.

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.

Amanda Lee, member of the public, presented materials (filed) regarding what she believes is an environmental crisis on the Mokelumne River resulting from the impact of the California Department of Transportation (Caltrans) homeless encampment at Highway 99 near the river. Specific topics of discussion in her presentation included background information on the source of Lodi's drinking water; known contaminants in Lodi's water supply; information about Cryptosporidium ("Crypto"); details and photographs about the homeless encampment; call to Caltrans to stop the homeless from polluting the water in the Mokelumne River; interesting findings regarding the homeless; and questions for the City. Ms. Lee further reported there is an individual in the area who has threatened her with an axe, which prompted her to repair the fence because the homeless continue to cut it to go through the neighbor's private property to urinate, defecate, and throw garbage. At this point, Curtis Lee, member of the public, ceded his five minutes to Ms. Lee. She continued that part of the problem is the area has three jurisdictions: San Joaquin County Sheriff's Office, Lodi Police Department, and California Highway Patrol. She encouraged the City and County to collaborate efforts with Caltrans as there seems to be confusion over jurisdictional lines. She pointed out that the dirt along the river is stained red, which could be red phosphorus for methamphetamine production, and she often sees the homeless dumping contaminants in the river. She requested Caltrans evict the homeless tenants, secure the area, and decontaminate the biohazard waste. At this point, Andre Crockett, member of the public, ceded his five minutes to Ms. Lee so she could ask questions of the City as listed in her presentation materials.

Public Works Director Charlie Swimley provided answers to Ms. Lee's questions that covered topics such as the Annual Water Quality Report, last environmental impact study, list of contaminated wells, the PCE/TCE cleanup and monitoring report, and ways to protect drinking water from contamination. Travis Kahrs, Water Plant Superintendent, provided information on the water monitoring report sample dates from 2013.

City Manager Schwabauer provided information on a broader prospective and detailed the City's efforts to address homelessness, including the many shelters, the Committee on Homelessness, creation of a workforce job training program, application and receipt of grant funds for affordable housing, and participation in the Continuum of Care. He added that homelessness is a complicated, national social problem that no city has solved. He encouraged the public to participate in meetings of the Committee on Homelessness.

Mayor Chandler thanked Ms. Lee for providing him a tour of her neighborhood. Afterward, he met with the City Manager and City Attorney, and they came up with a multi-prong approach to outreach with representatives from various agencies. To date, contacts have been made with Assemblymember Jim Cooper to assist with Caltrans and CHP and the Lodi Police Captains to work with Sheriff Whithrow.

Mr. Schwabauer encouraged Ms. Lee to speak to Police Chief Tod Patterson about the individual armed with an axe.

Mr. Swimley offered to provide a tour to Ms. Lee and her neighbors of the state-of-the-art Water Treatment Facility that was designed to provide high quality, safe drinking water.

An unidentified individual and neighbor of Ms. Lee stated she has been dealing with the homeless situation, water contamination, and illegal drugs in the neighborhood for a long time and reported she often sees individuals dumping or dropping off barrels in the middle of the night. As responsive as Lodi Police Department is when she calls the non-emergency line, by the time officers arrive, these individuals leave and there is nothing officers can do. She stated she supports her neighbor and the Police Department and encouraged the City to be more proactive in this matter.

Mr. Schwabauer reported there are eight police officers entering the academy who should be ready for patrol in 10 or so months. The City advanced Measure L funds at its last meeting in order to meet the academy deadline which begins in March. One of the officer positions will be a Community Liaison Officer for homeless issues, which will add greater assistance and resources

in addressing these types of calls.

Craig Troxclair, member of the public, stated he volunteers with Caltrans' Adopt-a-Highway Program and shared his experience with what Caltrans goes through when dealing with homeless encampments, including posting the property for 72 hours, video recording the process in case anything of value is damaged or taken, and the fear of homeless advocate lawyers suing over how the process was handled. He stated Caltrans can do a better job, but he acknowledged it has many hoops to jump through to clean up properties. Further, Mr. Troxclair expressed his strong opposition to smoking and tobacco products and encouraged Council to strengthen no-smoking laws, such as prohibiting smoking in parks and on sidewalks and perhaps even banning cigarette sales.

Lisa Hosman, member of the public, reported that her neighborhood has a significant rat problem, which she has tried to address with extermination and conversations with neighbors and county health inspectors. She would like the situation to improve and suggested the City look at a program that Stockton has in which it inspects all rental properties every five years to ensure they are safe and clean.

Mushtaq Tahirkheli, member of the public, commented on the Delta College campus that was scheduled to come to Lodi but never came to fruition, stating he and a group of friends are working to continue these discussions with the Delta College Board of Trustees. He asked Council to support his efforts.

John Hall, member of the public, stated he too lives in the neighborhood near the Mokelumne River and shared his issues and concerns with the homeless encampments in the area, stating the area went from idyllic and safe to frightening with drugs, vandalism, graffiti, garbage, and human waste. He stated the aggressiveness of the homeless is getting worse and he is afraid someone will be hurt as a result.

Chief Patterson shared with the public that recent legislation has tied the hands of police by lowering the thresholds on crimes, which quickly puts criminals back on the streets. He encouraged the public to study legislative bills, such as Propositions 47 and 57, before voting on them because these laws are allowing criminals to stay on the streets. He stated the City is doing all it can to address the homeless situation, as well as organizations such as Take Back Lodi, and everyone needs to work harder to make this successful. He encouraged those in attendance to speak with him further after the meeting.

Mayor Pro Tempore Kuehne thanked the neighbors for sharing their concerns and reported on his efforts in working on this issue, including involvement in the Committee on Homeless and the County's Continuum of Care and participation in the HEAP grant application process that brought in \$1.25 million for Lodi. The City has helped get over 100 people off of the streets and into rehabilitation centers or shelters; Take Back Lodi is working to address the situation; many people donated their time to volunteer for the point-in-time count; the public donated money to the Police Department for a truck for the Homeless Community Liaison Officer to pick up shopping carts; and Measure L recently passed that will hire more Police Officers and another Homeless Community Liaison Officer. He added the Grand Jury points to Lodi as a role model based on its efforts to address homelessness and that he continues to search out other ideas and programs both locally and nationally.

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

Council Member Mounce concurred with Chief Patterson that legislation, such as Propositions 47 and 57, has downgraded a number of violent crimes that can no longer be prosecuted and realignment has pushed low offenders back onto the streets, mostly criminals who continue to do drugs and commit acts of violence. She shared some of her experiences in dealing with the homeless, including touring sites with trash and human waste, homeless individuals sleeping on her porch, attempted assault against her by a homeless man at Lawrence Park, and her family's rental becoming ransacked and damaged by a group of homeless individuals. As a League of California Cities Board Member, she and her colleagues are working with the new Governor and

his administration to communicate the significant problems associated with these pieces of legislation and how it is resulting in the destruction of neighborhoods. She stated she will continue to fight to give police back the tools needed to address this situation. Further, Council Member Mounce reported that she participated in a White House call today regarding the current administration's non-partisan transportation package, which is a matching program. She stated that a few years ago she met with the Director of Internal Affairs who asked her to submit a project for consideration; however, it did not happen because staff did not provide her with a project idea. She stressed that if the City ever has a similar chance, it should take advantage of it and not miss the opportunity.

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

None.

G. Public Hearings – None

H. Regular Calendar

H-1 Adopt Resolution Approving Fiscal Year 2018/19 Mid-Year Budget Adjustments (CM)

Budget Manager Susan Bjork provided a PowerPoint presentation regarding the Fiscal Year 2018/19 mid-year budget report. Specific topics of discussion included General Fund overview, revenues, and expenses; requested General Fund adjustments; Confidential Administrative Secretary position; Risk Management Technician position; Electric Utility; Water Utility; Wastewater Utility; other budget requests; and action requested.

Mayor Pro Tempore Kuehne made a motion, second by Council Member Johnson, to adopt Resolution No. 2019-22 approving Fiscal Year 2018/19 mid-year budget adjustments.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Nakanishi

H-2 Appoint Members to the Measure L Citizens' Oversight Committee (CM)

Council Member Mounce suggested this item be postponed until a time when there is a full quorum of Council at the meeting to make appointments.

Council Member Mounce made a motion, second by Council Member Johnson, to postpone the item without reopening the application period until there is a full Council in attendance.

VOTE:

The above motion failed by the following vote:

Ayes: Council Member Johnson, Council Member Mounce

Noes: Mayor Pro Tempore Kuehne, Mayor Chandler

Absent: Council Member Nakanishi

Mayor Pro Tempore Kuehne suggested postponing the matter to a date certain and reopening the application period to encourage greater participation from Districts 4 and 5.

Council Member Johnson stated he recalled Council decided that those Council Members who had no applications in their Districts could choose from another District if there were enough applications, and he believed there were enough applications to do so.

Council Member Mounce concurred, stating it was anticipated there may not be enough applications from some districts, and the option of choosing from other Districts allows Council to

move forward. She concurred with postponing the decision but not with reposting the openings.

In response to Council Member Johnson, Deputy City Manager Keys stated it would not cause a problem if the appointments were pushed to the end of March. Council Member Johnson stated that, since no Measure L money comes in until June, he would prefer to do this right and not push the item to an arbitrary timeframe.

Mayor Pro Tempore Kuehne made a motion, second by Mayor Chandler, to direct the City Clerk to repost the openings on the Measure L Citizens' Oversight Committee to close on March 1, 2019, and to bring this item back to Council at its regular meeting of March 6, 2019.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Mounce

Absent: Council Member Nakanishi

I. Ordinances – None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:41 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk