

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 19, 2019**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of June 19, 2019, was called to order by Mayor Pro Tempore Kuehne at 6:01 p.m.

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

Absent: Mayor Chandler

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 Lodi City Mid-Management Association, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, Lodi Professional Firefighters, Lodi Fire Mid-Management, International Brotherhood of Electrical Workers, and Executive Management Pursuant to Government Code §54957.6 (CM)
- b) Prospective Lease(s) of Certain Parcels of Real Property Known as: (a) Downtown Parking Garage (APN 043-03-707; (b) Pixley Park (APN 049-31-085); (c) Approximately 2.45 Acres within Existing City of Lodi Right-of-Way at West Termination of Century Boulevard East of Union Pacific Railroad (UPRR) Line and West of Stockton Street (as Shown in Assessor's Parcel Book 062, Page 28); and (d) Approximately 2.15 Acres of Century Park at East Termination of Century Boulevard West of UPRR Line (as Shown in Assessor's Parcel Book 062, Page 22). Discussion of Terms and Conditions. Government Code §54956.8. (CA/EU)

C-3 Adjourn to Closed Session

At 6:01 p.m., Mayor Pro Tempore Kuehne adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:48 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:02 p.m., Mayor Pro Tempore Kuehne reconvened the City Council meeting, and City Attorney Magdich disclosed the following actions.

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

A. Call to Order / Roll Call

The Regular City Council meeting of June 19, 2019, was called to order by Mayor Pro Tempore Kuehne at 7:02 p.m.

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

Absent: Mayor Chandler

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

B. Presentations

B-1 A&W Restaurant 100th Anniversary Certificate of Recognition (CLK)

Mayor Pro Tempore Kuehne presented a Certificate of Recognition in honor of A&W Restaurant's 100th Anniversary to owners Annette, Peter, and Bryan Knight, along with the A&W mascot, Rooty. Mr. Knight invited the public to attend its anniversary celebration on June 21, 2019, during which the restaurant will give out 500 cupcakes, as well as goodies and free raffle tickets for prizes.

B-2 Parks Make Life Better Month Proclamation (PRCS)

Mayor Pro Tempore Kuehne presented a proclamation to Parks, Recreation and Cultural Services Director Jeff Hood proclaiming July 2019 as Parks Make Life Better Month in the City of Lodi. Mr. Hood announced that this year's theme is "Game On" and presented Council with a calendar of special events taking place during July (filed), including the Fourth of July fireworks show, music in the parks, and Celebrate America. The Department is also holding a contest where citizens can post pictures taken in Lodi parks on Instagram. The winner, chosen at random, will receive a free boat ride on the Mokelumne River with family and friends.

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

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

Noes: None

Absent: Mayor Chandler

C-1 Receive Register of Claims for May 10, 2019 through May 23, 2019 in the Amount of \$2,045,285.77 (FIN)

Claims were approved in the amount of \$2,045,285.77.

C-2 Approve Minutes (CLK)

The minutes of June 4, 2019 (Shirtsleeve Session) and June 5, 2019 (Regular Meeting) were approved as written.

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

Accepted Quarterly Report of Purchases between \$10,000 and \$20,000.

C-4 Accept Quarterly Investment Report as Required by City of Lodi Investment Policy (CM)

Accepted Quarterly Investment Report as required by City of Lodi Investment Policy.

C-5 Approve Plans and Specifications and Authorize Advertisement for Bids for Westgate Drive Street Improvement Project; Adopt Resolution Authorizing City Manager to Award Contract for Westgate Drive Street Improvement Project to Lowest Responsive Bidder (\$100,000); Authorizing City Manager to Execute Change Orders (\$10,000); and Appropriating Funds (\$100,000) (PW)

Approved plans and specifications and authorized advertisement for bids for Westgate Drive Street Improvement Project; adopted Resolution No. 2019-96 authorizing the City Manager to award the contract for Westgate Drive Street Improvement Project to the lowest responsive

bidder, in an amount not to exceed \$100,000; authorizing the City Manager to execute change orders, in an amount not to exceed \$10,000; and appropriating funds in the amount of \$100,000.

C-6 Adopt Resolution Authorizing City Manager to Waive Bid Process and Purchase One John Deere 310SL HL Backhoe Loader from Pape Machinery, Inc., of Eugene, Oregon, Utilizing Competitively-Bid Sourcwell Contract No. 032515-JDC (\$119,741) (PW)

Adopted Resolution No. 2019-97 authorizing the City Manager to waive the bid process and purchase one John Deere 310SL HL backhoe loader from Pape Machinery, Inc., of Eugene, Oregon, utilizing the competitively-bid Sourcwell Contract No. 032515-JDC, in the amount of \$119,741.

C-7 Adopt Resolution Rejecting Lowest Bid and Awarding Contract for Lodi Fire Station No. 1 Kitchen Remodel Project to Sauren Construction and Electric, of Elk Grove (\$63,727) and Authorizing City Manager to Execute Change Orders (\$12,500) (PW)

Adopted Resolution No. 2019-98 rejecting the lowest bid and awarding the contract for Lodi Fire Station No. 1 Kitchen Remodel Project to Sauren Construction and Electric, of Elk Grove, in the amount of \$63,727 and authorizing the City Manager to execute change orders, in an amount not to exceed \$12,500.

C-8 Adopt Resolution Awarding Contract for 2018/2019 Pavement Resurfacing Project to American Pavement Systems, Inc., of Modesto (\$577,550), Authorizing City Manager to Execute Change Orders (\$422,450), and Appropriating Funds (\$1,000,000) (PW)

Adopted Resolution No. 2019-99 awarding the contract for 2018/2019 Pavement Resurfacing Project to American Pavement Systems, Inc., of Modesto, in the amount of \$577,550; authorizing the City Manager to execute change orders, in an amount not to exceed \$422,450; and appropriating funds, in the amount of \$1,000,000.

C-9 Adopt Resolution Awarding Contract for Candy Cane Park – 2019 Improvements to A. M. Stephens Construction Company, Inc., of Lodi (\$347,600), Authorizing City Manager to Execute Change Orders (\$102,400), and Appropriating Funds (\$322,000) (PW)

This item was removed from the Consent Calendar at the request of Council Members Mounce and Nakanishi for discussion purposes.

Council Member Mounce expressed excitement that this project is moving forward, stating the neighbors have been looking forward to the renovation of this park for a long time. Last year she promised area residents that, if Measure L passed, this would be the first park improved with the funds, and she was glad to see this coming to fruition. She thanked Lori and Dan Otterbeck for their continued efforts in support of this project; Parks, Recreation, and Cultural Services Director Jeff Hood, City Manager Schwabauer, and Public Works Director Charlie Swimley for moving this project along, and resident Myrna Wetzel who protested in front of the park for almost two years in support of this project.

In response to Council Member Nakanishi, City Manager Schwabauer stated the project cost, as stated in the Council resolution, is \$347,600; however, staff will be working with the contractor on value engineering to hopefully bring the cost down as the project moves forward. The project is being funded from Measure L money, but there may be some spillover of other accounts by completion of the project. The main point is that the Candy Cane Park improvements would not have been possible without Measure L because there was no money in the budget to accomplish it. Council Member Nakanishi stated many citizens complained that Measure L would go toward pensions, but the City is using it to improve community parks.

Council Member Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2019-112 awarding the contract for Candy Cane Park – 2019 Improvements to A. M. Stephens Construction Company, Inc., of Lodi, in the amount of \$347,600, authorizing the

City Manager to execute change orders in an amount not to exceed \$102,400, and appropriating funds in the amount of \$322,000.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

C-10 Adopt Resolution Awarding Contract for Citywide Bike Lane Improvement Project to Centerline Striping Company, of Elk Grove (\$59,573), and Authorizing City Manager to Execute Change Orders (\$10,000) (PW)

Adopted Resolution No. 2019-100 awarding the contract for Citywide Bike Lane Improvement Project to Centerline Striping Company, of Elk Grove, in the amount of \$59,573; and authorizing the City Manager to execute change orders, in an amount not to exceed \$10,000.

C-11 Adopt Resolution Awarding Contract for 2019-2021 Standby Generators Maintenance, Repair, and Rental to Holt of California, of Pleasant Grove (\$495,895), and Authorizing City Manager to Execute Change Orders (\$100,000) (PW)

Adopted Resolution No. 2019-101 awarding the contract for 2019-2021 Standby Generators Maintenance, Repair, and Rental to Holt of California, of Pleasant Grove, in the amount of \$495,895; and authorizing the City Manager to execute change orders, in an amount not to exceed \$100,000.

C-12 Adopt Resolution Authorizing City Manager to Execute Contracts for Fiscal Year 2019/20 with United Cerebral Palsy of San Joaquin, Amador, and Calaveras Counties, of Stockton, for Downtown Cleaning (\$70,600), Transit Facility Cleaning (\$55,123), and Hutchins Street Square Landscape Maintenance (\$20,796) (PW)

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

In response to Council Member Nakanishi, Public Works Director Charlie Swimley stated that United Cerebral Palsy of San Joaquin, Amador, and Calaveras Counties (UCP) has been cleaning various areas of the community since 2000. Further, City Manager Schwabauer explained that UCP charges the City an hourly rate for a group of employees who are employed by UCP and have cerebral palsy. UCP brings in a worksite supervisor to ensure employees are safe, they accomplish and achieve their mission, and employees are paid a wage. This program employs individuals who would otherwise be unemployed, and the cost includes the job coach and all materials.

Council Member Mounce stated she often interacts with UCP employees who work downtown, stating they are the nicest individuals who take great pride in the work they do. She added this is an incredibly uplifting and positive program.

Council Member Johnson echoed Council Member Mounce's comments, stating the individuals who work the downtown area are incredibly happy and extremely meticulous in the work they perform.

Council Member Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2019-113 authorizing the City Manager to execute contracts for Fiscal Year 2019/20 with United Cerebral Palsy of San Joaquin, Amador, and Calaveras Counties, of Stockton, for downtown cleaning in the amount of \$70,600, Transit facility cleaning in the amount of \$55,123, and Hutchins Street Square landscape maintenance in the amount of \$20,796.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

C-13 Adopt Resolution Authorizing City Manager to Execute Change Order No. 2 for Granular Activated Carbon Replacement, Well No. 4R and Well No. 22 (\$43,048) (PW)

Adopted Resolution No. 2019-102 authorizing the City Manager to execute Change Order No. 2 for Granular Activated Carbon Replacement, Well No. 4R and Well No. 22, in the amount of \$43,048.

C-14 Accept Improvements Under Contract for 2018 GrapeLine Bus Stop Accessibility and Shelter Improvements Project (PW)

Accepted improvements under contract for 2018 GrapeLine Bus Stop Accessibility and Shelter Improvements Project.

C-15 Accept Improvements Under Contract for Blakely Park – North Pool Improvements (PW)

This item was removed from the Consent Calendar at the request of Council Member Mounce for comment.

Council Member Mounce stated she was extremely pleased the pool is finished; it looks great; and this project invested more funding toward improving the east side.

Council Member Mounce made a motion, second by Council Member Johnson, to accept improvements under contract for Blakely Park – North Pool Improvements.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

C-16 Accept Improvements Under Contract for Wastewater Main Rehabilitation Program, Project No. 7 (PW)

Accepted improvements under contract for Wastewater Main Rehabilitation Program, Project No. 7.

C-17 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Telstar Instruments, of Concord, for Supervisory Control and Data Acquisition and Instrumentation, Maintenance, and Integration Services (\$120,000) (PW)

Adopted Resolution No. 2019-103 authorizing the City Manager to execute a Professional Services Agreement with Telstar Instruments, of Concord, for Supervisory Control and Data Acquisition and instrumentation, maintenance, and integration services, in the amount of \$120,000.

C-18 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement for Outage Management System and Interactive Voice Response Software and Service with MilSoft Utility Solutions, of Abilene, Texas (\$170,600) (EU)

Adopted Resolution No. 2019-104 authorizing the City Manager to execute a Professional Services Agreement for outage management system and interactive voice response software and service with MilSoft Utility Solutions, of Abilene, Texas, in the amount of \$170,600.

C-19 Adopt Resolution Authorizing City Manager to Execute Amendment No. 2 to Professional Services Agreement with Harris and Associates, Inc., of Tracy, for 2017 Impact Mitigation Fee Program Update (\$10,000) (PW)

Adopted Resolution No. 2019-105 authorizing the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Harris and Associates, Inc., of Tracy, for 2017 Impact Mitigation Fee Program update, in the amount of \$10,000.

C-20 Adopt Resolution Authorizing City Manager to Execute Confirmation under Support Services Program Agreement with Northern California Power Agency for Engineering Services for Northern San Joaquin Transmission 230kV Project (\$236,740) (EU)

Adopted Resolution No. 2019-106 authorizing the City Manager to execute Confirmation under Support Services Program Agreement with Northern California Power Agency for engineering services for Northern San Joaquin Transmission 230kV project, in the amount of \$236,740.

C-21 Adopt Resolution Approving Annual Shared Automation Fee Structure for Agreement between City of Stockton and Sirsi Corporation Integrated Library System, and Approving Cost Sharing Fee for Fiscal Year 2018/19 (\$25,105) (LIB)

Adopted Resolution No. 2019-107 approving annual shared automation fee structure for agreement between City of Stockton and Sirsi Corporation Integrated Library System, and approving cost sharing fee for Fiscal Year 2018/19, in the amount of \$25,105.

C-22 Adopt Resolution Authorizing City Manager to Execute Fourth Amendment to Workers' Compensation Self-Insurance Service Agreement with York Risk Services Group, Inc., for Period July 1, 2019 to June 30, 2020 (\$132,750) (CA)

Adopted Resolution No. 2019-108 authorizing the City Manager to execute Fourth Amendment to Workers' Compensation Self-Insurance Service Agreement with York Risk Services Group, Inc., for period July 1, 2019 to June 30, 2020, in the amount of \$132,750.

C-23 Adopt Resolution Approving Encroachment Permit Application from Stanley Jacks dba Dogs on the Run to Operate Hot Dog Cart in Post Office Plaza, Located at Southeast Corner of School Street and Oak Street (PW)

Adopted Resolution No. 2019-109 approving encroachment permit application from Stanley Jacks dba Dogs on the Run to operate a hot dog cart in Post Office Plaza, located at southeast corner of School Street and Oak Street.

C-24 Adopt Resolution Authorizing Workers' Compensation Coverage for Off-Duty Peace Officers Injured Out of State Pursuant to Labor Code Section 3600.2 (CA)

Adopted Resolution No. 2019-110 authorizing workers' compensation coverage for off-duty peace officers injured out of state pursuant to Labor Code Section 3600.2.

C-25 Adopt Resolution Approving Revised Normal Retirement Age in Deferred Compensation Plan Documents for Mass Mutual (CM)

Adopted Resolution No. 2019-111 approving revised normal retirement age in deferred compensation plan documents for Mass Mutual.

C-26 Adopt Resolution Amending Traffic Resolution No. 97-148 by Approving 35 Miles-Per-Hour Speed Limit on Vine Street, from Beckman Road to Guild Avenue (PW)

This item was removed from the Consent Calendar by Council Member Nakanishi for discussion purposes.

In response to Council Member Nakanishi, Public Works Director Charlie Swimley stated there currently is no speed limit posted in this area and in response to complaints received by the Lodi Police Department, Public Works performed a speed survey to establish an appropriate speed limit for this portion of the street.

Council Member Mounce expressed concern that 35 miles per hour is too fast for a residential neighborhood. Mayor Pro Tempore Kuehne reminded this is a commercial area.

Council Member Nakanishi made a motion, second by Council Member Johnson, to adopt Resolution No. 2019-114 amending Traffic Resolution No. 97-148 by approving a 35 miles-per-hour speed limit on Vine Street, from Beckman Road to Guild Avenue.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

C-27 Adopt Resolution Amending Traffic Resolution No. 97-148 by Designating Interlaken Drive, from Vine Street to Brittany Lane, as a Through Street and Approving Two-Way Stop Controls at Interlaken Drive and Grenoble Court Intersection and at Interlaken Drive and Brittany Court Intersection (PW)

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

Council Member Johnson stated that, later on the agenda, there is an item to approve an in-fill subdivision project just south of Interlaken Drive and Brittany Lane. Assuming the development project passes, he questioned if there will be additional traffic controls in the new subdivision on Interlaken Drive because that may be too much. Public Works Director Charlie Swimley responded that at this time staff is not considering traffic control devices at the two cul-de-sacs. He explained that the two recommended stop controls in this action were overlooked when the Sunwest subdivision was originally approved; Interlaken Drive should have been designated as a through street. He reiterated that the City is not considering additional traffic controls in the new subdivision.

Council Member Johnson made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2019-115 amending Traffic Resolution No. 97-148 by designating Interlaken Drive, from Vine Street to Brittany Lane, as a through street and approving two-way stop controls at Interlaken Drive and Grenoble Court intersection and at Interlaken Drive and Brittany Court intersection.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

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.

Gordon Schmierer, Vice President of Tree Lodi, stated Lodi A&W Restaurant has been a generous partner of Tree Lodi for many years and announced it will be helping A&W with a tree planting in honor of its 100th birthday on June 20, 2019 at 9 a.m. at Blakely Park. He invited the public to attend and is encouraged that the children from the Lodi Boys and Girls Club may also join the festivities. Further, he expressed appreciation for the long, positive relationship Tree Lodi has had with the Lodi Parks, Recreation, and Cultural Services Department and for the City's assistance in putting together its largest event, Arbor Day. He and Tree Lodi members distributed Tree Lodi t-shirts to Council and staff.

Janet Hauser, member of the Lodi Garden Club, stated she volunteers roughly 12 to 15 hours a month at Lodi Lake cleaning, raking, seeding, and adding new soil to the wildflower beds and she is very proud of Lodi Lake. She is frustrated, however, that the City is not pruning back the trees, there are branches everywhere that make it difficult for individuals in wheelchairs to maneuver through the park, and the weeds need to be edged around the flower beds, drinking fountain, and around the entrance. She feels there is not enough help at the Lake, which should be well maintained because it is the jewel of the community.

Mayor Pro Tempore Kuehne stated the information will be passed along to the appropriate individual to respond to her concerns.

Council Member Mounce requested the City take care of the fallen branches immediately because it should not hinder people from moving about the park. City Manager Schwabauer explained the City does not have enough employees at Lodi Lake to handle everything and staff prioritizes tasks by focusing energy on the most at-risk issues first, such as trees about to fall that could injure individuals. Picking up dead branches from the ground is a lower priority. Council Member Mounce stated she understands the constraints; however, individuals walking through the entrance of Lodi Lake through dead tree branches is also a safety issue that needs to be resolved. Parks, Recreation, and Cultural Services Director Jeff Hood stated he will ask staff to be more diligent about picking up branches. He added that the Fiscal Year 2019/20 budget recently adopted by Council includes an additional \$80,000 from Measure L, over and above the \$20,000 the department programmed into the budget, for tree work. Mr. Hood stated he has already spoken to the arborist, who will begin assessing the tree situation in July.

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

Council Member Nakanishi requested the City revisit the fireworks issue before next year's Fourth of July because he receives many concerns about the increase in legal and illegal fireworks in the City, the damage illegal fireworks cause to City streets, the fire dangers created by illegal fireworks displays, the effects it has on people and pets, and the minimal profit that is realized by non-profit groups who run fireworks booths. He stated he could only imagine how difficult the Fourth of July is on the Police and Fire Departments, adding that responders must work overtime to ensure the community is safe on this particular day. Lastly, he is also concerned about the increased cost of fencing for the Fourth of July activities at Lodi Lake and how those costs will be covered. He reiterated that the City Council should revisit this subject before next year's Fourth of July holiday.

City Manager Schwabauer confirmed that Lodi sees very little money from the Fourth of July fireworks sales, mostly through enforcement of illegal fireworks. Fire Chief Gene Stoddart responded that non-profit groups have made as much as \$25,000 and as little as \$2,500, but it depends on the location and marketing. Mr. Schwabauer agreed the issue needs to be addressed, but it is a challenging situation. Early on, the Fire Department assisted the Police Department in patrolling for illegal fireworks; however, the City ceased that practice because it became too dangerous to have unarmed firefighters in risky, mob-like situations. In addition, Council changed the ordinance so that this year, for the first time, the City can issue citations with aerial surveillance. It will not have an immediate effect that night, but it will enable the City to

pursue charges through the municipal ordinance. One difficulty, though, is that the court has been unable to accept and hold court cases for municipal violations due to the high volume of cases. Staff believes the court should not be allowed to ignore municipal violations and will be meeting with court personnel next week to convince it to take on those cases.

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

None.

G. Public Hearings

G-1 Continue Public Hearing to July 17, 2019, to Consider Adopting Resolution Setting Pre-Approved Engineering News Record Adjustment Index for Wastewater Rates for Residential, Commercial, and Industrial Customers (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Chandler called for the public hearing to consider adopting resolution setting pre-approved Engineering News Record adjustment index for wastewater rates for residential, commercial, and industrial customers.

City Manager Schwabauer requested Council continue the public hearing to July 17, 2019.

Council Member Johnson made a motion, second by Council Member Mounce, to continue the public hearing to July 17, 2019, to consider adopting resolution setting pre-approved Engineering News Record adjustment index for wastewater rates for residential, commercial, and industrial customers.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

G-2 Public Hearing to Consider Adopting Resolution Approving Planning Commission's Recommendation to Authorize 25 Low-Density Residential Growth Management Allocations for the Bennett – Interlaken Drive Subdivision (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pro Tempore Kuehne called for the public hearing to consider adopting resolution approving the Planning Commission's recommendation to authorize 25 Low-Density Residential Growth Management Allocations for the Bennett - Interlaken Drive Subdivision.

City Planner Craig Hoffman provided a PowerPoint presentation regarding the Planning Commission's recommendation to authorize 25 Low-Density Residential Growth Management Allocations for the Bennett - Interlaken Drive Subdivision. Specific topics of discussion included vicinity map, subdivision map, population, residential permits, allocations, 2019 Growth Management Allocation balance, Growth Management Allocations for Bennett - Interlaken Drive, and recommendation.

Council Member Mounce suggested reducing the number of low-density housing allocations, to which Mr. Hoffman responded that Council reduced allocations in 2018, 2017, 2015, and 2013 and it has been on top of keeping allocations in check to ensure there are not too many on the books. He suggested it is reasonable to return in 2020 to reduce allocations again, adding it is wise to come back every couple of years to revisit the matter. He stated Lodi has a 2 percent growth rate but does not grow at that rate. Council Member Mounce stated the public is aware that Lodi has a 2 percent growth rate; however, they do not understand that if allocations are unused, they can be banked; because of that, she would support any reduction in housing

allocations. She stated she supports the layout of this project and is pleased it is an in-fill project, but there is no mixed use. She reported the Governor requested legislators present bills that will require mixed-use housing so it will no longer be suitable to continue building houses that residents with an average income of \$50,000 cannot afford to buy. Bay Area workers are buying homes in Lodi, and she stated this community must begin building houses that future generations can afford to buy and live in because people are leaving this community. She asked that developers mix up projects so that, in addition to single-family homes, there is a duplex included in the mix, as well as a smaller home suitable for first-time homebuyers. She further stated there is a lot of low-density housing projects taking place, yet the east side is almost entirely medium density, which packs in multi-family homes and rental properties that increase crime and blight in that community. She suggested the housing designation on the east side be changed so that the west side of town gets its fair share of medium density as well. Mr. Hoffman stated the map for this project is appropriate and is an extension of Sunwest. If it remains vacant for another three years, he stated the Governor could require it be turned into apartments. He further stated Lodi is definitely taking advantage of a mixed use corridor by approving duplexes, town homes, in-fill projects, apartment and senior complexes, and other types of housing projects. Mr. Hoffman and City Manager Schwabauer further commented on the high cost of land, which in turn increases the prices of homes significantly.

Council Member Johnson stated he agrees with Council Member Mounce's observation, adding that Council needs to ensure the City maintains local control in determining how it grows. He pointed out there are two gated Grupe developments that front Lower Sacramento Road - one on Turner Road and another on Taylor Road - both of which have a secondary access. He stated the map of this project appears to have a similar layout of a gated community; however, it has no gate or secondary access to Lower Sacramento Road. Mr. Hoffman responded that Lower Sacramento Road is an expressway and was meant to have limited access points on the road and the concern is that there are already a number of driveways along the street. Also, Sunwest is a private, access-limited development, and adding another driveway will encourage individuals to cut through the neighborhood. Council Member Johnson stated he does not see a significant traffic issue in the area, but he is concerned that the development should be gated with a secondary access. In response, Mr. Hoffman stated the secondary accesses at the two developments mentioned earlier were meant for emergency vehicles.

Council Member Nakanishi stated residents may want the design to remain as-is and he would prefer to hear what residents in the area want before considering any changes.

Mayor Pro Tempore Kuehne opened the public hearing for public comment.

Dennis Bennett, project developer, responded that the issue of secondary access was discussed, and in everyone's opinion, including staff's, the safety factor was more important than the potential convenience of having an access. The referenced Grupe developments are gated and have twice the number of units as the proposed development, and the traffic is greater than the 25 lots in this development. He stated he believes a secondary point of ingress and egress would be a serious problem on Lower Sacramento Road and that the project should move forward as-is.

Council Member Johnson stated he understands Mr. Bennett's point and that staff agrees; however, he is not certain he is convinced on the point.

Council Member Mounce suggested developers help the housing situation on the east side by rehabilitating an equal number of homes on the east side for every 10 market-priced homes they develop.

Mr. Bennett stated he is well aware of the situation on the east side; however, a number of individuals who own properties in that area have a high value, making it difficult to afford to purchase, rehabilitate, and sell the property while still making a profit. He stated he believes it is primarily Stockton, not Bay Area, residents moving to Lodi to escape the crime and get into better schools, while Manteca has become the popular location for Bay Area buyers. He further added it is almost impossible to build a home for under \$400,000 unless the homes are significantly smaller. He agreed there needs to be a viable partnership to address the affordable housing

situation.

In response to Mr. Schwabauer, Mr. Hoffman explained the subdivision map was adopted by the Planning Commission, it is now before Council for approval of the Growth Management Allocations, and there were a number of people concerned about the project, yet no one appealed the project.

Public Works Director Charlie Swimley further explained that the difference between the Grupe developments referenced earlier and this development is that there are no cul-de-sacs for turnaround of emergency vehicles. The other developments have private, narrow streets, and the ability for First Responders to work in the area is very limited, which is why the secondary/emergency access on Lower Sacramento Road was added. This development configuration has roadways and cul-de-sacs with which Police and Fire are accustomed to working.

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

Council Member Nakanishi made a motion, second by Mayor Pro Tempore Kuehne, to adopt Resolution No. 2019-116 approving the Planning Commission's recommendation to authorize 25 Low-Density Residential Growth Management Allocations for the Bennett - Interlaken Drive Subdivision.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Johnson

Absent: Mayor Chandler

G-3 Public Hearing to Consider Resolution Adopting Final Engineer's Annual Levy Report for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2019/20; and Ordering Levy and Collection of Assessments (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 Pro Tempore Kuehne called for the public hearing to consider resolution adopting Final Engineer's Annual Levy Report for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2019/20; and ordering levy and collection of assessments.

Senior Civil Engineer Sean Nathan provided a PowerPoint presentation regarding the Final Engineer's Annual Levy Report for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2019/20. Specific topics of discussion included Landscape Maintenance District 2003-1 zones, 2019/20 budget, and comparison of assessments.

In response to Council Member Nakanishi, Mr. Nathan stated the City is required by law to report on these figures every year and he anticipates it will take five years to decrease the reserve amount to a reasonable balance, at which time the assessments would begin to increase slowly to a reasonable amount.

Mayor Pro Tempore Kuehne opened the public hearing for public comment.

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

Council Member Mounce made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2019-117 adopting Final Engineer's Annual Levy Report for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2019/20; and ordering levy and collection of assessments.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, and Mayor Pro Tempore Kuehne
Noes: None
Absent: Mayor Chandler

G-4 Public Hearing to Receive Input and Consider Adopting Resolution Calling Election to Submit to Qualified Electors the Question of Levying a Special Tax Within the Area Proposed to be Annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 8); and Resolution Declaring Results of Special Election and Ordering Annexation of Territory to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 8); and Introduce Uncodified Ordinance Levying and Apportioning Special Tax in Territory Annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 8) (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 Pro Tempore Kuehne called for the public hearing to consider adopting resolution calling election to submit to qualified electors the question of levying a special tax within the area proposed to be annexed to Community Facilities District (CFD) No. 2007-1 (Public Services) (Annexation No. 8); and resolution declaring results of special election and ordering annexation of territory to CFD No. 2007-1 (Public Services) (Annexation No. 8); and introduce uncodified ordinance levying and apportioning special tax in territory annexed to CFD No. 2007-1 (Public Services) (Annexation No. 8).

Senior Civil Engineer Sean Nathan provided a PowerPoint presentation regarding annexation of territory to CFD No. 2007-1 (Public Services) (Annexation No. 8). Specific topics of discussion included Annexation No. 8 and recommended action.

In response to Council Member Nakanishi, City Manager Schwabauer stated the CFD is intended to cover the incremental costs over and above what existing revenue streams cover for a subdivision, but it does not cover the entire cost. In further response, Mr. Nathan stated the original CFD was set up to cover Police and Fire services; maintenance of parks, parkway strips, block walls, and open space; provide flood and storm protection services; and clean up any hazardous materials. Mr. Schwabauer explained the CFD covers new developments, including Rosegate I and II, Elliot Homes, and Reynolds Ranch. All of those subdivisions are under this CFD; this property, Annexation No. 8, is not the only one in the CFD.

In response to Mayor Pro Tempore Kuehne, Mr. Nathan explained that the small, "notch-like" section not included in the CFD is due to a roadway project done in 2000 in which there was a dedication in fee for a ramp and signal hole.

Mayor Pro Tempore Kuehne opened the public hearing for public comment.

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

Council Member Mounce made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2019-118 calling election to submit to qualified electors the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 8).

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, and Mayor Pro Tempore Kuehne
Noes: None
Absent: Mayor Chandler

Council Member Mounce made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2019-119 declaring results of special election and ordering annexation of territory to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 8).

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

Council Member Mounce made a motion, second by Council Member Johnson, to introduce uncodified Ordinance No. 1962 levying and apportioning special tax in territory annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 8).

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

H. Regular Calendar

H-1 Adopt Resolution Approving Statement of Benefits between City of Lodi and Lodi Fire Mid-Management for Period of July 1, 2019 through June 30, 2022 (CM)

Human Resources Manager Adele Post provided a presentation regarding the Statement of Benefits between City of Lodi and Lodi Fire Mid-Management for the period of July 1, 2019 through June 30, 2022. Specific topics of discussion included on-going negotiations over the past four months; red-lined version of the Statement of Benefits in the Council packet; proposed changes, including three-year term ending June 30, 2022, cost of living adjustments of 4.25 percent this July, 3 percent next July, and 3 percent July 2021, maintaining 20 percent salary differential between top step Fire Captain to top step Battalion Chief to avoid compaction issues when promoting to Battalion Chief, providing education incentives to be paid upon completion of coursework, and language changes in the document to clarify leaves of absences; and recognition of the Lodi Fire Mid-Managers for working with the City to reach an agreement. She stated the contract is a good balance between conflicting demands of the City's long-term budget and fiscal sustainability and the need to attract and retain employees.

Council Member Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2019-120 approving Statement of Benefits between City of Lodi and Lodi Fire Mid-Management for period of July 1, 2019 through June 30, 2022.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Mayor Chandler

I. Ordinances – None

K. Adjournment

City Manager Schwabauer announced that Stephanie Alvarez, who was the long-time owner of City Bicycles, manager of Fastenol, and wife of Lodi Fire Captain Paul Alvarez, lost her 11-year battle with cancer last night and passed away.

There being no further business to come before the City Council, the meeting was adjourned at 8:51 p.m., in memory of Stephanie Alvarez, who passed away on Tuesday, June 18, 2019.

ATTEST:

Jennifer M. Ferraiolo
City Clerk