

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 7, 2019**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of August 7, 2019, was called to order by Mayor Chandler at 6:07 p.m.

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

Absent: Council Member Mounce

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, Lodi Police Dispatchers Association, Lodi Professional Firefighters, International Brotherhood of Electrical Workers, and Executive Management Pursuant to Government Code §54957.6 (CM)

b) Pending Litigation; Government Code §54956.9(a); One Case; Robert Martin, et al. v. City of Boise, U.S. Court of Appeals for the Ninth Circuit, Case No. 15-35845; D.C. No. 1:09-cv-00540-REB (CA)

C-3 Adjourn to Closed Session

At 6:07 p.m., Mayor Chandler adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:41 p.m.

C-4 Return to Open Session / Disclosure of Action

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

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

In regard to Item C-2b, the City Council provided direction to join a coalition of other California cities, including Fairfield, Fullerton, Redondo Beach, Lompoc, Sacramento, Salinas, Torrance, West Covina, Westminster, and Whittier in filing an amicus brief with the United States Supreme Court in support of the City of Boise's petition of writ of certiorari to the 9th State Supreme Court in the matter of Robert Martin v. City of Boise, which relates to an anti-camping and sleeping in public parks case.

A. Call to Order / Roll Call

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

Absent: Council Member Mounce

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

B. Presentations

B-1 National Children's Vision and Learning Month Proclamation (CLK)

Mayor Chandler presented a proclamation to Dr. Bill Henshaw proclaiming the month of August 2019 as Children's Vision and Learning Month in the City of Lodi.

B-2 PG&E Community Wildfire Safety Program Presentation (EU)

Dylan George with PG&E provided a PowerPoint presentation regarding PG&E's Community Wildfire Safety Program. Specific topics of discussion included real-time monitoring and intelligence, new and enhanced safety measures, system hardening and resiliency, public safety power shutoffs (PSPS), why everyone should be prepared, PSPS event notifications, working to restore power, working with customers to prepare, and community resources.

Peter Hovater, member of the public, questioned how long it would take to get power back up and running at full power, especially during multiple outages. Mr. George stated he could not give a definitive answer on a timeline because it depends on the type of situation, i.e. fast-moving, overnight storms versus inclement weather lasting multiple days. Typically, once there is an all-clear on the weather, power is back on-line in one to two days. In a recent event, PG&E had power back up in 16 hours.

Mike Lusk, member of public, stated he has long been a proponent for a secondary westward connection supply to Lodi so the City is not dependent on the PG&E connection east of Highway 88. He stated that in the late 1990s/early 2000s, the City had a plan for a secondary connection that was abandoned and the City additionally opted not to participate in the rolling brown-outs the State implemented. He questioned that, if PG&E decides to shut down major transmission lines, is there any assurance from the California Independent Service Operator that the City will not have an interruption in supply since it manipulates how transmission of electricity is moved from one source to another. He further questioned if the City has any options with the small plant at Lodi Lake and what reasonable assurances the City can give that there will be a consistent supply of power, especially for the elderly.

Interim Electric Utility Director Melissa Price explained that the rolling brown-outs in the late 1990s/early 2000s are different than the current situation, in that this is a load shutting event and Lodi will not have a choice on power shut-offs. With regard to the plant at Lodi Lake, it is a generation source and the City has considered it as an option; however, there are complications associated with it, as well as costs.

City Manager Schwabauer further responded that the City could pursue running a line to the White Slough Water Pollution Control Facility, which would put the City behind the meter, but it would be an expensive project. The City is researching the possibility, but it will require a serious discussion with the community about whether to spend \$50 million to insulate residents from the risk of a potential of one to two days a year that it might be out of power.

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

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

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

C-1 Receive Register of Claims for June 22, 2019 through July 18, 2019 in the Amount of \$5,717,977.37 (FIN)

Claims were approved in the amount of \$5,717,977.37.

C-2 Approve Minutes (CLK)

The minutes of July 16, 2019 (Shirtsleeve Session), July 17, 2019 (Regular Meeting), and July 23, 2019 (Shirtsleeve Session) were approved as written.

C-3 Adopt Resolution Authorizing Purchase of Ultraviolet Disinfection Parts for White Slough Water Pollution Control Facility from DC Frost Associates, Inc., of Walnut Creek (\$148,115) (PW)

Adopted Resolution No. 2019-149 authorizing the purchase of ultraviolet disinfection parts for White Slough Water Pollution Control Facility from DC Frost Associates, Inc., of Walnut Creek, in the amount of \$148,115.

C-4 Adopt Resolution Authorizing City Manager to Waive Bid Process and Purchase Library Database and Subscription Services from EBSCO, Inc., of Birmingham, Alabama (\$20,854) (LIB)

Adopted Resolution No. 2019-150 authorizing the City Manager to waive bid process and purchase library database and subscription services from EBSCO, Inc., of Birmingham, Alabama, in the amount of \$20,854.

C-5 Adopt Resolution Awarding Contract for Westgate Drive Street Improvement Project to Anthem Builders, Inc., of Roseville (\$111,362) and Appropriating Funds (\$22,000) (PW)

Adopted Resolution No. 2019-151 awarding the contract for Westgate Drive Street Improvement Project to Anthem Builders, Inc., of Roseville, in the amount of \$111,362, and appropriating funds, in the amount of \$22,000.

C-6 Adopt Resolution Rescinding Resolution No. 2019-87 and Awarding Contract for Janitorial Services for City Facilities to ABM Industry Groups, LLC, of San Francisco (\$424,094) and Authorizing City Manager to Execute Change Orders (\$40,000) (PW)

Adopted Resolution No. 2019-152 rescinding Resolution No. 2019-87 and awarding the contract for janitorial services for City facilities to ABM Industry Groups, LLC, of San Francisco, in the amount of \$424,094, and authorizing the City Manager to execute change orders, in an amount not to exceed \$40,000.

C-7 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Hach Company, of Loveland, Colorado, for White Slough Water Pollution Control Facility Nitrification Control System (\$109,616) (PW)

Adopted Resolution No. 2019-153 authorizing the City Manager to execute a Professional Services Agreement with Hach Company, of Loveland, Colorado, for White Slough Water Pollution Control Facility Nitrification Control System, in the amount of \$109,616.

C-8 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Terracon Consultants, Inc., of Lodi, for Construction Materials Testing and Inspection Services (\$150,000) (PW)

Adopted Resolution No. 2019-154 authorizing the City Manager to execute a Professional Services Agreement with Terracon Consultants, Inc., of Lodi, for construction materials testing and inspection services, in the amount of \$150,000.

C-9 Adopt Resolution Ratifying Expenditures to Date and Approving City Manager's Decision to Enter into Agreement for Enterprise Resource Program Software as a Service from Tyler Technologies, Inc., of Plano, Texas, in Amount Not to Exceed \$699,584 Over Three-Year Term with Automatic Annual Renewals Thereafter (CM)

Adopted Resolution No. 2019-155 ratifying expenditures to date and approving the City Manager's decision to enter into an agreement for enterprise resource program software as a service from Tyler Technologies, Inc., of Plano, Texas, in an amount not to exceed \$699,584 over three-year term with automatic annual renewals thereafter.

C-10 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Professional Services Agreement with KONE, Inc., of Sacramento, for Lodi Station Parking Garage North Elevator Repair Project (\$31,000) and Appropriating Funds (\$31,000) (PW)

Adopted Resolution No. 2019-156 authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement with KONE, Inc., of Sacramento, for Lodi Station Parking Garage North Elevator Repair Project, in the amount of \$31,000, and appropriating funds, in the amount of \$31,000.

C-11 Adopt Resolution Authorizing City Manager to Execute Amendment No. 4 to Professional Services Agreement with Lyons Security Service, Inc., of Orange, for Security Services at Hutchins Street Square and Lodi Public Library (\$130,000 in Fiscal Year 2019/20) (PRCS)

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

In response to Council Member Nakanishi, Parks, Recreation and Cultural Services Director Jeff Hood verified that security personnel are at the Library for all but one hour Monday through Thursday and all five hours on the weekend and at Hutchins Street Square for events that take place after business hours. Most of the security costs at the Square are passed on to renters of the facility for events such as wedding receptions, theater events, meetings, and other activities.

Council Member Nakanishi made a motion, second by Council Member Johnson, to adopt Resolution No. 2019-162 authorizing the City Manager to execute Amendment No. 4 to the Professional Services Agreement with Lyons Security Service, Inc., of Orange, for security services at Hutchins Street Square and Lodi Public Library, in the amount of \$130,000 in Fiscal Year 2019/20.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

C-12 Adopt Resolution Ratifying City Manager Revisions to Employment Contracts for Fire Chief and Police Chief Effective August 12, 2019 (CM)

Adopted Resolution No. 2019-157 ratifying the City Manager revisions to employment contracts for the Fire Chief and the Police Chief effective August 12, 2019.

C-13 Adopt Resolution Approving Renewal of Dental Claims Administration Agreement with Stanislaus Foundation for Medical Care; and Further Authorizing City Manager to Execute Agreement (CM)

Adopted Resolution No. 2019-158 approving the renewal of dental claims administration agreement with Stanislaus Foundation for Medical Care; and further authorizing the City Manager to execute the agreement.

C-14 Adopt Resolution Authorizing Payment of City's Fiscal Year 2019/20 Membership Investment to San Joaquin Partnership, Inc. (\$30,290) (CM)

Adopted Resolution No. 2019-159 authorizing payment of City's Fiscal Year 2019/20 membership investment to San Joaquin Partnership, Inc., in the amount of \$30,290.

C-15 Appoint Lisa Craig and Julieann Martin to the Planning Commission; Larnice Eklund and Paige Prince to the Lodi Arts Commission; Breanna Meyer as Greater Lodi Area Youth Commission Adult Advisor; Jasmine Shukla, Benjamin Plath, Kevin Armknecht, Arriana Galvan, Benjamin Gobel, Jordyn Hummel, and Rayleen Salgado to the Greater Lodi Area Youth Commission; and Alfredo Almazan to the Lodi Improvement Committee; and Post for Vacancy for Ex-Officio Member of the Lodi Arts Commission and for Vacancy on the Lodi Improvement Committee (CLK)

Appointed Lisa Craig and Julieann Martin to the Planning Commission; Larnice Eklund and Paige Prince to the Lodi Arts Commission; Breanna Meyer as Greater Lodi Area Youth Commission Adult Advisor; Jasmine Shukla, Benjamin Plath, Kevin Armknecht, Arriana Galvan, Benjamin Gobel, Jordyn Hummel, and Rayleen Salgado to the Greater Lodi Area Youth Commission; and Alfredo Almazan to the Lodi Improvement Committee; and directed the City Clerk to post for a vacancy for an ex-officio member of the Lodi Arts Commission and for a vacancy on the Lodi Improvement Committee.

C-16 Adopt Resolution Authorizing City Manager to Execute CalTrans Sustainable Transportation Planning Grant Program Agreements for Lodi Greenline Feasibility Study and All Related Documents (PW)

This item was pulled from the Consent Calendar at the request of a member of the public.

Amanda Lee, speaking on behalf of Andrew Robinson who could not attend the meeting, expressed opposition to the City purchasing the railroad property near the former General Mills building for a possible tracks to trails project based on the fact that, if the City were to own the property, it will encourage more homeless people in the area because they can live on public property. Doing so will add calls to the Police Department and bring house prices down in the area. She suggested the City maintain properties it already has instead of adding more properties. The volunteers working on the homelessness issue already have a difficult time keeping up with the demand, and they are getting burned out.

City Manager Schwabauer stated that the purpose of this agenda item is to do a feasibility study to determine whether or not it makes sense to do this project and that all of these factors will be a part of the analysis.

Council Member Johnson stated he is not opposed to the concept of a bicycle trail; however, his concern is that a potential future owner of the former General Mills site may want rail transportation to the facility and that should have more weight than a bicycle path.

Council Member Johnson made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2019-163 authorizing the City Manager to execute CalTrans Sustainable Transportation Planning Grant Program Agreements for Lodi Greenline Feasibility Study and all related documents.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

C-17 Receive Report Regarding Communication Pertaining to Senate Bill 266 (Leyva) Public Employees' Retirement System: Disallowed Compensation: Benefit Adjustments (CLK)

Received report regarding communication pertaining to Senate Bill 266 (Leyva) Public Employees' Retirement System: Disallowed Compensation: Benefit Adjustments.

C-18 Receive Report Regarding Communication Pertaining to Assembly Bill 516 (Chiu) Authority to Remove Vehicles (CLK)

Received report regarding communication pertaining to Assembly Bill 516 (Chiu) Authority to Remove Vehicles.

C-19 Receive Report Regarding Communication Pertaining to Senate Bill 5 (Beall/McGuire) Local-State Sustainable Investment Incentive Program (CLK)

Received report regarding communication pertaining to Senate Bill 5 (Beall/McGuire) Local-State Sustainable Investment Incentive Program.

C-20 Adopt Resolution Approving Arts Grants for Fiscal Year 2019/20 (PRCS)

Adopted Resolution No. 2019-160 approving arts grants for Fiscal Year 2019/20.

C-21 Adopt Resolution Approving City of Lodi Pay Schedule Dated July 25, 2019 (CM)

Adopted Resolution No. 2019-161 approving City of Lodi pay schedule dated July 25, 2019.

C-22 Set Public Hearing for August 21, 2019 to Consider Adopting Resolution Approving Planning Commission's Recommendation to Authorize 27 Low-Density Residential Growth Management Allocations for DM Squared Homes – Twin Arbors Subdivision (CD)

Set public hearing for August 21, 2019 to consider adopting resolution approving Planning Commission's recommendation to authorize 27 Low-Density Residential Growth Management Allocations for DM Squared Homes - Twin Arbors Subdivision.

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.

Betty Wilson, member of the public, stated she spoke to Council previously about the need for an ordinance to address maintenance of large trees, particularly redwood trees. Staff responded to her that there are currently two ordinances addressing trees: one relates to hazards and one regarding maintenance, which she felt were insufficient. She requested the City research what other cities are doing regarding regular upkeep and maintenance on trees. Many of the trees are too large for properties, they cause damage and inconveniences, and property owners cannot always work out their differences over the trees. The City's current ordinance states that a tree needs to be dead, diseased, or decayed; however, that does not translate to a tree being hazardous because they still drop limbs and pine needles. She requested that additional strength be added to the current ordinance to require maintenance every two years and that issues be handled on a complaint basis.

Amanda Lee, member of the public, expressed appreciation for the work the Committee on Homelessness has done to try to remedy the homeless epidemic. She further expressed disappointment that none of the funding received to date will go toward unsheltered homeless and stated she believes that five tiny homes is not aggressive enough to address the unsheltered homeless population. She suggested the City look into other communities' efforts and encouraged the public to attend the City Council Town Hall meeting on Monday, August 12, 2019 at 6 p.m. regarding homelessness.

Council Member Johnson agreed with Ms. Wilson's comments, stating he would like staff to look into adding strength to the ordinance so that something can be done if enough complaints are received about maintenance of a property and its impact on the neighborhood.

Mike Lusk, member of the public, commented on an item from the last Council meeting regarding DeBenedetti Park and presented a letter outlining his concerns (filed) relating to parking, traffic issues, and potential hazards in and around the park.

Council Member Johnson questioned whether work on the subdivision near DeBenedetti Park will be completed soon because it is encroaching into the street and could cause traffic jams, especially when park activity picks up with youth sports. Public Works Director Charlie Swimley responded that the contractors are required to provide traffic control since it is a construction zone. The contractors are currently installing pipe, and there may be times when lane lines are constricted; however, he anticipates the work on Century Boulevard will be completed in a couple of weeks.

June Aaker announced that the Lodi Heroes organization will once again hold its Heroes Behind the Badge event on Saturday, November 2, 2019 at Jessie's Grove Winery. The event will feature representatives from the Lodi Police Department, Lodi Police Partners, Animal Shelter and pet adoptions, Sherriff's Office, California Highway Patrol, and State Department of Fish and Wildlife, as well as the local American Legion and military branches, and will include a 5K and 10K fun run/walk and games. One hundred percent of the profits will go to the Lodi Police Foundation. She encouraged anyone wanting to sponsor, donate, or volunteer to visit www.lodiheroes.org.

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

Council Member Nakanishi reported that he attended the American Legion's 100th Anniversary Celebration on Sunday, August 4, 2019, during which he learned there are 34,000 Veterans in San Joaquin County. Further, there are roughly 1,500 homeless individuals in the County, of which 10 percent are Veterans. Some of these homeless Veterans have drug problems and suffer from mental illness, and he stated there should be a place where Veterans can go for help.

Mayor Pro Tempore Kuehne reported that he participated in National Night Out on Tuesday, August 6, 2019. Lodi had 100 registered block parties for the event, and he was honored to visit eight of those parties, adding he had a good time interacting with residents.

Mayor Chandler added that he too participated in National Night Out and went to eight or nine parties, adding that this event, along with Neighborhood Watch, increases safety in neighborhoods.

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

None.

G. Public Hearings – None

H. Regular Calendar

H-1 Adopt Resolution Approving Amendment No. 3 to Professional Services Agreement with Michael Baker International to Conduct Environmental Analysis and Clearance of Potential Sites for Homeless Emergency Aid Program Project (Not to Exceed \$41,100) (CD)

City Manager Schwabauer provided a brief presentation regarding the Professional Services Agreement with Michael Baker International to conduct an environmental analysis and clearance of potential sites for the Homeless Emergency Aid Program (HEAP) project. He reported that the process started with finding potential sites that could accommodate such a project; a vetting process through the Committee on Homelessness; and outreach to property owners on the final list of potential sites. This exercise narrowed the possible sites down to two properties: 301 East Lodi Avenue and 2 West Lodi Avenue (i.e. Maple Square). This action does not select a

location; it only approves an agreement to perform an environmental analysis on each of the potential sites to see if they will work for the HEAP project.

Council Member Nakanishi made a motion, second by Council Member Johnson, to adopt Resolution No. 2019-164 approving Amendment No. 3 to the Professional Services Agreement with Michael Baker International to conduct environmental analysis and clearance of potential sites for Homeless Emergency Aid Program Project, in an amount not to exceed \$41,100.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

I. Ordinances

I-1 Adopt Ordinance No. 1963 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 15 – Buildings and Construction – by Rescinding Section 15.64.030C, 'Development Impact Funds,' Relating to Interfund Loans in the Development Impact Fee Funds" (CLK)

Council Member Johnson made a motion, second by Mayor Pro Tempore Kuehne, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1963 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 15 - Buildings and Construction - by Rescinding Section 15.64.030C, 'Development Impact Funds,' Relating to Interfund Loans in the Development Impact Fee Funds," which was introduced at a regular meeting of the Lodi City Council held July 17, 2019.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

I-2 Adopt Ordinance No. 1964 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 2 – Administration and Personnel – by Adding Chapter 2.18, 'Electronic Filing of Campaign Disclosure Statements,' Relating to Electronic and Paperless Filing of Fair Political Practices Commission Campaign Disclosure Statements" (CLK)

Mayor Pro Tempore Kuehne made a motion, second by Council Member Johnson, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1964 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 2 - Administration and Personnel - by Adding Chapter 2.18, 'Electronic Filing of Campaign Disclosure Statements,' Relating to Electronic and Paperless Filing of Fair Political Practices Commission Campaign Disclosure Statements," which was introduced at a regular meeting of the Lodi City Council held July 17, 2019.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Mounce

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:20 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk