

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 21, 2019**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of August 21, 2019, was called to order by Mayor Chandler at 6:32 p.m.

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

Absent: None

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, Executive Management, and Confidential Employees Pursuant to Government Code §54957.6 (CM)

C-3 Adjourn to Closed Session

At 6:32 p.m., Mayor Chandler adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:55 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:04 p.m., Mayor Chandler reconvened the City Council meeting, and City Attorney Magdich disclosed the following action.

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

A. Call to Order / Roll Call

The Regular City Council meeting of August 21, 2019, was called to order by Mayor Chandler at 7:04 p.m.

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

Absent: None

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

C-1 Receive Register of Claims for July 19, 2019 through August 1, 2019 in the Amount of \$8,675,052.66 (FIN)

Claims were approved in the amount of \$8,675,052.66.

C-2 Approve Minutes (CLK)

The minutes of July 30, 2019 (Shirtsleeve Session), July 30, 2019 (Special Meeting), and August 6, 2019 (Shirtsleeve Session) were approved as written.

C-3 Adopt Resolution Awarding Bid for Purchase of Medium Voltage Cable from The Okonite Company, of San Ramon (\$62,384.48) (EU)

Adopted Resolution No. 2019-165 awarding bid for purchase of medium voltage cable from The Okonite Company, of San Ramon, in the amount of \$62,384.48.

C-4 Adopt Resolution Authorizing City Manager to Waive Bid Process and Purchase Toro GM5900 Mower, Toro ProCore Aerator 1298, and Toro Dingo TX 1000 with Attachments from TurfStar Western, of Rancho Cordova (\$194,872.69), Using National IPA Contract 201725 and Appropriating Funds (\$10,880) (PRCS)

Adopted Resolution No. 2019-166 authorizing the City Manager to waive the bid process and purchase Toro GM5900 mower, Toro ProCore Aerator 1298, and Toro Dingo TX 1000 with attachments from TurfStar Western, of Rancho Cordova, in the amount of \$194,872.69, using National IPA Contract No. 201725 and appropriating funds in the amount of \$10,880.

C-5 Adopt Resolution Authorizing City Manager to Waive Bid Process and Purchase Additional Rectangular Rapid Flashing Beacons Equipment from Traffic and Parking Control Company, Inc., of Brown Deer, Wisconsin, Utilizing California Multiple Award Schedule Contract Number 4-08-78-0042A (\$8,264), and Appropriating Funds (\$12,264) (PW)

Adopted Resolution No. 2019-167 authorizing the City Manager to waive the bid process and purchase additional rectangular rapid flashing beacons equipment from Traffic and Parking Control Company, Inc., of Brown Deer, Wisconsin, utilizing California Multiple Award Schedule Contract Number 4-08-78-0042A, in the amount of \$8,264, and appropriating funds in the amount of \$12,264.

C-6 Adopt Resolution Authorizing City Manager to Execute Agreements with Following Entities for Water Meter Program Phase 8 (PW):
a) DSS Company dba Knife River Construction, of Stockton, for Construction (\$4,441,635), and Authorizing City Manager to Execute Change Orders (\$924,365)
b) RMC Water and Environment, of Walnut Creek, for Engineering Services (\$40,000)
c) Terracon, of Lodi, for Construction Testing and Inspection Services (\$300,000)
d) Henderson Brothers Company, of Lodi, for On-Call Residential Plumbing Services (\$150,000)

Adopted Resolution No. 2019-168 authorizing the City Manager to execute agreements with the following entities for Water Meter Program Phase 8: a) DSS Company dba Knife River Construction, of Stockton, for construction, in the amount of \$4,441,635, and authorizing the City Manager to execute change orders, in the amount of \$924,365; b) RMC Water and Environment, of Walnut Creek, for engineering services, in the amount of \$40,000; c) Terracon, of Lodi, for construction testing and inspection services, in the amount of \$300,000; and d) Henderson Brothers Company, of Lodi, for on-call residential plumbing services, in the amount of \$150,000.

C-7 Accept Improvements Under Contract for Blakely Park – Shade Structures (PW)

Accepted improvements under contract for Blakely Park - Shade Structures.

C-8 Accept Improvements Under Contract for Alley Improvement Project – Phase 7 (PW)

Accepted improvements under contract for Alley Improvement Project - Phase 7.

C-9 Adopt Resolution Accepting Luca Place Subdivision, Tract No. 3622, Public Improvements (PW)

Adopted Resolution No. 2019-169 accepting Luca Place Subdivision, Tract No. 3622, public improvements.

C-10 Adopt Resolution Accepting Reynolds Ranch Subdivision, Unit No. 2 (Tract No. 3846) and Unit No. 3 (Tract No. 3847) Public Improvements; Authorizing City Manager to Execute Landscape Maintenance Agreement; and Amending Traffic Resolution No. 97-148 by Approving Through Street on Stockton Street, from Harney Lane to Lebaron Boulevard (PW)

This item was pulled from the agenda pursuant to staff's request.

C-11 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Carollo Engineers, Inc., of Walnut Creek, for Ultraviolet Disinfection Replacement Study (\$48,500) (PW)

Adopted Resolution No. 2019-170 authorizing the City Manager to execute a Professional Services Agreement with Carollo Engineers, Inc., of Walnut Creek, for ultraviolet disinfection replacement study, in the amount of \$48,500.

C-12 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Professional Services Agreement with Civil Hydro Tech, LLC, of Sunnyvale, for Central, Western, Southern, and Northern Plumes Groundwater Monitoring, Sampling, and Reporting Services (\$116,209), and Appropriating Funds (\$116,209) (PW)

Adopted Resolution No. 2019-171 authorizing the City Manager to execute Amendment No. 1 to Professional Services Agreement with Civil Hydro Tech, LLC, of Sunnyvale, for Central, Western, Southern, and Northern Plumes groundwater monitoring, sampling, and reporting services, in the amount of \$116,209, and appropriating funds in the amount of \$116,209.

C-13 Adopt Resolution Rescinding Resolution No. 2016-175 and Approving Revised Travel Policy in Accordance with Government Code Section 53232 (CM)

Adopted Resolution No. 2019-172 rescinding Resolution No. 2016-175 and approving revised Travel Policy in accordance with Government Code Section 53232.

C-14 Approve Response to 2018-2019 Grand Jury Report Regarding Case No. 0318, "Cold Cases in San Joaquin County: On the Back Burner" (PD/CM)

Approved response to 2018-2019 Grand Jury Report regarding Case No. 0318, "Cold Cases in San Joaquin County: On the Back Burner."

C-15 Adopt Resolution Authorizing Lodi Police Department to Participate in Selective Traffic Enforcement Program Grant Funded by Office of Traffic Safety and Authorize City Manager to Execute Grant Documents on Behalf of City of Lodi (PD)

Adopted Resolution No. 2019-173 authorizing the Lodi Police Department to participate in Selective Traffic Enforcement Program Grant funded by Office of Traffic Safety and authorized the City Manager to execute grant documents on behalf of the City of Lodi.

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.

None.

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

Council Member Nakanishi reported that he participated in the San Joaquin Council of Governments meeting on behalf of Mayor Pro Tempore Kuehne and requested the Public Works Director provide information on whether or not the City will be spending the same amount on road improvements this year as it did last year. Public Works Director Charlie Swimley stated there are alternate funding sources for road repairs, but Senate Bill 1 will enable cities to spend a lot more on roadways over the next 10 years.

Council Member Johnson provided a response to a comment made at the recent Town Hall meeting regarding homelessness regarding the rumor that the homeless are being bused into Lodi. He spoke with Amtrak representatives who confirmed the homeless are not traveling up and down the county or to the Bay Area on its system and are not being bused into Lodi.

Council Member Mounce stated she received feedback from the community regarding the recent Town Hall meeting regarding homelessness, stating the public overwhelmingly felt they had no opportunity for questions and answers and it was structured more for presentations with little opportunity for the public to express how they feel about the situation. She suggested the type of meeting be changed and that Council conduct another event at a venue other than the Council Chambers and open it up for back and forth dialog with the public. Many people have great ideas on how to address the issue, and she felt the City missed the boat by not providing an opportunity for the public to express those ideas.

Mayor Chandler expressed support for the suggestion.

Council Member Johnson stated he too reached out to people who attended the Town Hall Meeting and agreed it should have been structured in such a way that the Council was there only to listen to the public and not spend so much time making presentations. It was the public's time to vent, and he was willing to try this again in a different format.

Council Member Mounce stated there will be a meeting on August 30, 2019, at Emerson Park at 6 p.m. to discuss the concept of bringing in guardian angels as an opportunity for the public to volunteer their time and work with the homeless.

Mayor Chandler stated he too received feedback, both pro and con, about the Town Hall meeting and he was open to having another session in a different format and to call it something other than a Town Hall meeting. He further reported that the public-private effort to raise funds to clean up parked recreational vehicles that are littering the city has gathered \$3,000 to date, which was submitted to the Lodi Police Foundation. He encouraged anyone interested to contact him to make a tax deductible donation toward this program.

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

City Manager Schwabauer invited the public to view the new homeless webpage on the City's website, which contains contact information, resources, success stories, and other information for people to stay up to date on what the City is doing on the homelessness front. It is a work in progress, and additional pages will be added in the future.

Council Member Mounce thanked the City for acting so quickly on getting this webpage up and running.

G. Public Hearings

G-1 Public Hearing to Consider Adopting Resolution Approving Planning Commission's Recommendation to Authorize 27 Low-Density Residential Growth Management Allocations for the DM Squared Homes – Twin Arbors 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 Chandler called for the public hearing to consider adopting resolution approving the Planning Commission's recommendation to authorize 27 Low-Density Residential Growth Management Allocations for the DM Squared Homes - Twin Arbors Subdivision.

City Planner Craig Hoffman provided a PowerPoint presentation regarding the Low-Density Growth Management Allocations for the DM Squared Homes - Twin Arbors Subdivision. Specific topics of discussion included in-fill development consistent with the General Plan and Zoning Code, vicinity map, project description, request and approval process, Growth Management Allocations for Twin Arbors - DM Squared Homes, and available allocations for 2019.

Mayor Pro Tempore Kuehne stated he was unfamiliar with DM Squared Homes; however, he is aware of Florsheim, he knows it builds a quality product, and he is glad it can deliver a project such as this. He did, however, have concerns with one of the 27 lots in the subdivision that is at roughly 6,300 square feet, which gives the project more of a medium-density feel rather than low-density, and questioned if the subdivision could be decreased to 26 lots instead, thereby giving the lots along the canal an additional 1,000 feet. Alternatively, he suggested increasing the size of lot 13 and perhaps even lot 5. Mayor Pro Tempore Kuehne stated he believes this project deserves a larger footprint and he will be voting no on this item if there is no resolution to at least the one particular lot.

Council Member Nakanishi questioned whether the developer felt such changes could be made at this point in the process.

Michael Florsheim, President of DM Squared Homes, thanked staff for its assistance on this project. He stated he came onboard on this project long after the map was approved and he has been in negotiations with the developer, as well as working with the architect, for a project consisting of 27 lots. That is what was designed, proposed, and part of the contract presented for purchase.

Mr. Hoffman stated staff can work with the applicant to see if there is any room to adjust lot sizes, but verification of house widths will be necessary.

Mayor Pro Tempore Kuehne stated he is aware that the Planning Commission approved this plan, but Council is the final stop to ensure a good product is delivered. He stated the lots along the canal are a premium location and should not be squeezed into smaller lots because it is not appropriate for that location.

Mayor Chandler stated he believes this is a well-conceived project, there is already a business plan in place for the number of lots proposed, and he was opposed to taking action to reduce the number of lots.

Council Member Mounce agreed with Mayor Pro Tempore Kuehne that the project seems crammed with too many houses within the footprint and that this in-fill project deserves better.

She suggested the parties revisit this to negotiate a compromise.

Mr. Hoffman reminded Council that the project was approved at the Planning Commission level, the map was approved along with conditions, and this action is only to approve the Growth Management Allocations. At this point, it is difficult to shift the plan. There are minor things that can be done, such as staff working with the proponents within the confines of the project and looking at the lots for an overall average, but the map has already been approved. He disagreed that the project has a medium-density feel, stating the lot sizes are standard for the area and the homes will not be cramped.

Council Member Mounce agreed with Mayor Pro Tempore Kuehne that, while Council has no say on where developers choose to build or businesses choose to locate, it does serve as the last stop on these projects and it is up to Council to ensure the highest-quality project is put forward.

Council Member Johnson stated, that while he would prefer to see larger lots, this project is too far into the process to change the design and diagram and he was not prepared to vote against it.

City Attorney Magdich suggested Council allow staff to finish its presentation, open the public hearing for public comment, and bring it back to Council for discussion and action.

Mayor Chandler opened the public hearing for public comment.

Steve Pechin, project engineer with Baumbach and Piazza Engineering, pointed out there were a number of public comments made throughout the course of the Planning Commission process that were taken into consideration when designing the project. At one time, the project was designed with 28 lots, but based on feedback it was reduced to 27 in order to make bigger lots on sites 1 to 11, and the lots along the canal side, lots 12 to 17, are smaller. Additionally, there were comments regarding the street width, and the project was adjusted to widen the streets by at least three feet, which is two feet wider than required and takes square feet off of the lots. There is a private sewer system and pump station along the north side of lot 17, which required an extra easement that could not be built upon, that also effects the size of lots. He further explained that the entrances to the development were narrowed in order to give it a more secluded, private development feeling, without being a gated community, and this was based on neighborhood concerns about traffic. The narrowed entrances encourage drivers to slow down. He stated that if the project is tweaked it would take square footage away from lots 1 to 11, which were increased in size based on public comments at the Planning Commission meetings.

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

Council Member Nakanishi stated that, based on the explanation, he was inclined to leave the project as-is.

Mayor Chandler stated he respects the project brought forward by the Planning Commission, the project fits the description of a quality in-fill project, and he will support it.

Council Member Johnson made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2019-174 approving the Planning Commission's recommendation to authorize 27 Low-Density Residential Growth Management Allocations for the DM Squared Homes - Twin Arbors Subdivision.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Nakanishi, and Mayor Chandler

Noes: Council Member Mounce, and Mayor Pro Tempore Kuehne

Absent: None

At the conclusion of this item, City Manager Schwabauer pointed out there is an approved set of rules as part of the City's General Plan and design standards and this project met the rules. He suggested that, if Council wants to revisit the rules, staff can bring it back for discussion;

however, at this point, it is unfair to expect them to meet the standards, only to change the project this late in the process. He requested Council direction on whether it would like to revisit the standards and guidelines.

Council Member Mounce and Mayor Pro Tempore Kuehne indicated interest in revisiting this matter.

H. Regular Calendar

H-1 Adopt Resolution Approving Memorandum of Understanding between City of Lodi and International Brotherhood of Electrical Workers for Period January 1, 2019 through December 31, 2021 (CM)

Deputy City Manager Andrew Keys provided a presentation regarding the Memorandum of Understanding (MOU) with the International Brotherhood of Electrical Workers. Specific topics of discussion included contract expiration of December 31, 2018; on-going negotiations for a successor MOU that allows the City to be competitive in salaries and benefits to retain employees; challenges in retaining employees due to state wildfire mitigation and safety programs and maintaining employee skills that are of benefit to residents and large businesses; contract highlights that include three-year term from January 1, 2019 to December 31, 2021, 16 percent salary adjustment (i.e. 9 percent retroactive to July 1, 2019, 4 percent in 2020, and 3 percent in 2021) with a 2 percent cost sharing participation in the City's normal contribution to California Public Employees Retirement System (phased in over two years with 1 percent in 2020 and 1 percent in 2021), the first for this group; and total cost of agreement of \$1.5 million over three years.

Council Member Mounce made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2019-175 approving the Memorandum of Understanding between the City of Lodi and the International Brotherhood of Electrical Workers for the period January 1, 2019 through December 31, 2021.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H-2 Adopt Resolution Approving Memorandum of Understanding between City of Lodi and Lodi Police Dispatchers Association for Period July 1, 2019 through June 30, 2022 (CM)

Deputy City Manager Andrew Keys provided a presentation regarding the Memorandum of Understanding between the City of Lodi and the Lodi Police Dispatchers Association. Specific topics of discussion included unique role of the dispatcher/jailer position with Lodi maintaining a municipal jail, which is uncommon in most communities, and the need to maintain that workforce; contract highlights that include three-year term from July 1, 2019 to June 30, 2022, 11 percent salary adjustment (i.e. 5 percent effective after Council approval, 3 percent in 2020, and 3 percent in 2021), and restoration of longevity pay; and total cost of agreement of \$444,000 over three years.

In response to Council Member Nakanishi, City Manager Schwabauer stated Lodi is the only community in the county that operates its own jail. Mr. Keys added there are only a handful of such communities in the state.

Council Member Johnson pointed out the jail was built 15 to 20 years ago when things were better, but regulations and costs continue to increase. He suggested staff prepare a spreadsheet comparing the pros and cons of operating the jail (i.e. not taking officers off the street to transfer prisoners to Stockton vs. cost of maintaining jail and any cost savings associated with not having dispatch).

Mr. Schwabauer stated staff will prepare the information and added there is also a savings in fees the City does not pay to the County to house prisoners.

Council Member Mounce requested that staff include information regarding the investment the City made on infrastructure at the police station to handle dispatch in-house and the dialog Council had at the time to bring that in-house in order to provide better service to residents of this community.

Council Member Johnson made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2019-176 approving the Memorandum of Understanding between the City of Lodi and the Lodi Police Dispatchers Association for the period 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, Mayor Pro Tempore Kuehne, and Mayor Chandler

Noes: None

Absent: None

I. Ordinances – None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:01 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk