

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 18, 2019**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of September 18, 2019, was called to order by Mayor Chandler at 6:00 p.m.

Present: Council Member Johnson, Mayor Pro Tempore Kuehne, and Mayor Chandler
Absent: Council Member Mounce, and Council Member Nakanishi
Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

NOTE: Council Member Johnson participated in the meeting via teleconference.

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

C-3 Adjourn to Closed Session

At 6:00 p.m., Mayor Chandler adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:54 p.m.

C-4 Return to Open Session / Disclosure of Action

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

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

A. Call to Order / Roll Call

The Regular City Council meeting of September 18, 2019, was called to order by Mayor Chandler at 7:03 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

NOTE: Council Member Johnson participated in the meeting via teleconference.

B. Presentations

B-1 #PinkPatchProject Proclamation (PD)

Mayor Chandler presented a proclamation to Police Chief Tod Patterson proclaiming the month of October 2019 as #PinkPatchProject month in the City of Lodi.

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

Mayor Pro Tempore Kuehne 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.

ROLL CALL VOTE

The City Council held a ROLL CALL vote (all voiced their votes).

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 August 16, 2019 through August 29, 2019 in the Amount of \$2,157,667.56 (FIN)

Claims were approved in the amount of \$2,157,667.56.

C-2 Approve Minutes (CLK)

The minutes of August 12, 2019 (Special Meeting), August 21, 2019 (Regular Meeting), August 27, 2019 (Shirtsleeve Session), and September 3, 2019 (Shirtsleeve Session) were approved as written.

C-3 Adopt Resolution Authorizing City Manager to Waive Bid Process, Utilize the Houston-Galveston Area Council Contract No. HGAC FS 12-17, and Award Purchase Order to Golden State Emergency Vehicle Service, Inc., of Sacramento, for Purchase of Pierce Enforcer Pumper Engine (\$650,000) (FD)

This item was removed from the Consent Calendar at the request of Mayor Chandler for the purpose of a brief explanation.

City Manager Schwabauer reported this item is for the purchase of a fire pumper engine. The Fire Department is in the process of a long-term program to replace a number of aging units. This purchase will take a 30-year old unit out of reserve and replace it with a newer unit. While the price is high, it is the most competitive price in the market.

Mayor Pro Tempore Kuehne made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2019-198 authorizing the City Manager to waive bid process, utilize the Houston-Galveston Area Council Contract No. HGAC FS 12-17, and award purchase order to Golden State Emergency Vehicle Service, Inc., of Sacramento, for purchase of Pierce Enforcer Pumper Engine, in the amount of \$650,000.

ROLL CALL VOTE

The City Council held a ROLL CALL vote (all voiced their votes).

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-4 Adopt Resolution Authorizing City Manager to Waive Bid Process and Purchase One 230kVA Towable Generator from Holt of California, of Pleasant Grove, Utilizing Competitively-Bid Sourcewell Contract No. 032119-CAT (\$131,835) and Appropriating Funds (\$131,835) (PW)

This item was removed from the Consent Calendar at the request of Mayor Chandler for the purpose of a brief explanation.

City Manager Schwabauer explained that this purchase is for a portable generator that will allow the City to have power in the community in case of emergencies or due to PG&E shut-offs. The generator would not produce enough power to cover all of Lodi; however, it could power a cooling center during high heat and ensure a water well continues to run if there is no power, as well as many other emergency-type scenarios.

In response to Council Member Nakanishi, Mr. Schwabauer stated it is difficult to say with certainty whether Lodi's power will be shut down by PG&E with its wildfire mitigation program. To date, there have been three shut-offs in California under this program, and none of them lasted more than 24 hours. Neither Lodi, PG&E, or the California Independent System Operator can give a scientific number for the risk, but there is not enough power coming into Lodi without coming across high-risk power lines and, if those lines are shut down, Lodi's power could be shut off while PG&E inspects and re-energizes the lines.

Council Member Nakanishi made a motion, second by Mayor Pro Tempore Kuehne, to adopt Resolution No. 2019-199 authorizing the City Manager to waive bid process and purchase one 230kVA towable generator from Holt of California, of Pleasant Grove, utilizing competitively-bid Sourcewell Contract No. 032119-CAT, in the amount of \$131,835 and appropriating funds, in the amount of \$131,835.

ROLL CALL VOTE

The City Council held a ROLL CALL vote (all voiced their votes).

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-5 Adopt Resolution Rescinding Resolution No. 99-124 and Approving Purchase of Time-of-Use Electronic Meters from Trimark Associates, Inc. (\$40,000) (EU)

This item was removed from the Consent Calendar at the request of Mayor Chandler for the purpose of a brief explanation.

City Manager Schwabauer explained the City uses time-of-use meters for commercial utility accounts, but there were problems associated with the units operating well. It is important to have time-of-use rates for commercial accounts because the City has a large number of commercial users and power is paid at both high-load and low-load levels; therefore, without the ability to pass along time-of-use costs to commercial companies, the high-power costs would be passed along to all customers.

Mayor Pro Tempore Kuehne made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2019-200 rescinding Resolution No. 99-124 and approving purchase of time-of-use electronic meters from Trimark Associates, Inc., in the amount of \$40,000.

ROLL CALL VOTE

The City Council held a ROLL CALL vote (all voiced their votes).

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-6 Accept Improvements Under Contract for Kofu Park and Legion Park – Court Resurfacing Improvements and Adopt Resolution Ratifying Expenses for Change Order No. 1 (\$15,000) and Appropriating Funds (\$15,000) (PW)

Accepted improvements under contract for Kofu Park and Legion Park - Court Resurfacing Improvements and adopted Resolution No. 2019-189 ratifying expenses for Change Order No. 1, in the amount of \$15,000, and appropriating funds, in the amount of \$15,000.

- C-7 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-8 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Business Recovery Services, Inc., of Alameda, to Provide Lockbox Services for Processing Utility Check Payments Received (\$39,942) (CM)

Adopted Resolution No. 2019-190 authorizing the City Manager to execute a Professional Services Agreement with Business Recovery Services, Inc., of Alameda, to provide lockbox services for processing utility check payments received, in the amount of \$39,942.

- C-9 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Professional Services Agreement with Poser Construction for Parks Maintenance Projects (\$20,000) (PRCS)

Adopted Resolution No. 2019-191 authorizing the City Manager to execute Amendment No. 1 to Professional Services Agreement with Poser Construction for parks maintenance projects, in the amount of \$20,000.

- C-10 Adopt Resolution Authorizing City Manager to Execute Improvement Agreement for Lodi Unified School District Maintenance Facility (PW)

This item was pulled from the agenda pursuant to Lodi Unified School District's request.

- C-11 Adopt Resolution Authorizing City Manager to Execute Improvement Agreement for Public Improvements of 1170 South Guild Avenue (PW)

Adopted Resolution No. 2019-192 authorizing the City Manager to execute Improvement Agreement for public improvements of 1170 South Guild Avenue.

- C-12 Adopt Resolution Authorizing City Manager to Execute Memorandum of Understanding of Integrated Water Management Planning Coordinating Committee Members to Form Regional Water Management Group (PW)

This item was removed from the Consent Calendar at the request of Council Member Nakanishi for purpose of a brief explanation.

Public Works Director Charlie Swimley explained that the integrated water management plan is a document required by the Department of Water Resources to establish planning for specific projects to benefit groundwater conditions in San Joaquin County. The last plan was updated in 2014, and now there is an opportunity for the County to receive \$6.5 million in Proposition 1B funds for use toward such projects; however, the caveat is that the 2014 plan be updated to 2016 standards. One of the 2016 changes was a requirement for a governance structure in the form of

a committee to make planning decisions. There must be at least three agencies involved, and at this time five agencies have joined the committee through the proposed Memorandum of Understanding. The five groups include the City of Lodi, the Southern San Joaquin Irrigation District, Stockton East, Reclamation District 2074, and Delta Water Agency. Mr. Swimley stated it is likely additional groups will join in the future.

Council Member Nakanishi made a motion, second by Mayor Pro Tempore Kuehne, to adopt Resolution No. 2019-201 authorizing the City Manager to execute Memorandum of Understanding of Integrated Water Management Planning Coordinating Committee Members to Form Regional Water Management Group.

ROLL CALL VOTE

The City Council held a ROLL CALL vote (all voiced their votes).

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-13 Adopt Resolution Authorizing City Manager to Execute Confirmation under Support Services Program Agreement with Northern California Power Agency for Wildfire Mitigation Plan Independent Evaluation Services (\$31,345) (EU)

Adopted Resolution No. 2019-193 authorizing the City Manager to execute Confirmation under Support Services Program Agreement with Northern California Power Agency for Wildfire Mitigation Plan Independent Evaluation Services, in the amount of \$31,345.

C-14 Adopt Resolution Authorizing City Manager to Execute Project Agreement No. 6 Between and Among Transmission Agency of Northern California and Its Participating Members (EU)

Adopted Resolution No. 2019-194 authorizing the City Manager to execute Project Agreement No. 6 between and among Transmission Agency of Northern California and its participating members.

C-15 Adopt Resolution Authorizing City Manager to Execute Performing Arts Contracts Up to \$30,000 (PRCS)

Adopted Resolution No. 2019-195 authorizing the City Manager to execute performing arts contracts up to \$30,000.

C-16 Adopt Resolution Authorizing Implementation of Electric Vehicle Strategy to Achieve Air Quality Goals and Approve Electric Vehicle Infrastructure Rebates (\$75,000) (EU)

Adopted Resolution No. 2019-196 authorizing implementation of electric vehicle strategy to achieve air quality goals and approve electric vehicle infrastructure rebates, in the amount of \$75,000.

C-17 Accept Monthly Protocol Account Report through August 31, 2019 (CLK)

Accepted monthly Protocol Account Report through August 31, 2019.

C-18 Adopt Resolution Authorizing Information Technology Division to Participate in Cyber Security Grant Funded by California Office of Emergency Services and Authorize City Manager to Execute Grant Documents on Behalf of City of Lodi and Appropriate Funds (\$500,000) (CM)

Adopted Resolution No. 2019-197 authorizing Information Technology Division to participate in cyber security grant funded by California Office of Emergency Services and authorizing the City Manager to execute grant documents on behalf of City of Lodi and appropriating funds, in the amount of \$500,000.

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 Johnson thanked the Lodi Fire Department for its quick and efficient response to a recent kitchen fire in his house.

Council Member Nakanishi commented on homelessness in Lodi and asked the City Manager to share the Continuum of Care's (CoC) recent memorandum that explained how the organization will be managed and how plans will be formed.

City Manager Schwabauer explained that State and Federal policies set rules on what can and cannot be done with resources assigned to the homeless, which creates a boundary within which cities can operate if those dollars are accepted. Cities that take money out of their own budget or pass a new revenue source can set their own course, but money accepted from the State or Federal government is governed on how it can be used. The CoC money is under that policy and can only go toward bricks and mortar projects; not operations. Lodi has no source of money of its own to construct a project and operate and maintain it going forward. In order for the City to operate such a project, without the assistance of a non-profit organization, City services, such as parks programs, the library, etc., would have to be cut. Lodi opted to put forth a Tiny Homes Project that will be managed by the County and California Department of Housing and Urban Development.

Council Member Nakanishi stated the CoC is developing strategies for the homeless in San Joaquin County. He encouraged the public to express its opinions and suggestions to either the CoC or the Committee on Homelessness so they can vet all ideas and make recommendations to the County and cities. He also suggested citizens follow the City's webpage devoted to homelessness for further information on what is being done in this effort.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Adopting Resolution Approving 2018-19 Community Development Block Grant Consolidated Annual Performance and Evaluation Report (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 2018-19 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report.

CDBG Program Administrator Patrice Clemons provided a PowerPoint presentation regarding the

2018-19 CDBG Consolidated Annual Performance and Evaluation Report (CAPER). Specific topics of discussion included original 2018-19 CDBG allocations, re-allocated funds through Amendments 1 and 2, Public Service Projects expenditures, graffiti cleanup, Community Partnership for Families, Second Harvest Food Bank, Emergency Food Bank Mobile Farmers Market, LOEL Center Meals on Wheels, Ready to Work, San Joaquin Fair Housing, California Rural Legal Assistance, capital improvement projects expenditures, capital improvement projects, completed projects, and CAPER approval process.

In response to Mayor Pro Tempore Kuehne, Ms. Clemons explained that the first-time homebuyer program was cancelled partly due to timing in rolling out the program, but also because it is difficult to find qualifying, eligible candidates that have a low enough income to qualify for the program because the purchase price of a home cannot be higher than the amount set by the California Department of Housing and Urban Development (HUD). It is challenging to continue to offer this program when there is no market for low-priced homes. Mayor Pro Tempore Kuehne suggested discussing the problem with HUD to see if that price point can be adjusted to reflect the market.

Mayor Chandler agreed the City should take some action on the problem because he is certain all California cities are facing the same issue.

In response to Council Member Nakanishi, City Manager Schwabauer explained that the majority of homeless projects are funded either through CDBG or Homeless Emergency Aid Program funds and he has not seen an example of a community-funded project. Most of the projects come from a third-party source, but he stated he would look into it further.

Mayor Chandler opened the public hearing for public comment.

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

Council Member Nakanishi made a motion, second by Mayor Pro Tempore Kuehne, to adopt Resolution No. 2019-202 approving 2018-19 Community Development Block Grant Consolidated Annual Performance and Evaluation Report.

ROLL CALL VOTE

The City Council held a ROLL CALL vote (all voiced their votes).

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

H. Regular Calendar – None

I. Ordinances – None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:52 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk