PERMANENT RECORD

LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 16, 2015

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of September 16, 2015, was called to order by Mayor Johnson at 6:33 p.m.

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

C-2 Announcement of Closed Session

a) Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation Pursuant to Government Code §§54956.9(d)(2) and 54956.9(e)(1); One Case; Shall Not Be Disclosed, Due to Facts and Circumstances Not Yet Known to Potential Plaintiffs (CA)

b) Conference with Adele Post, Human Resources Manager (Labor Negotiator); Compensation and Benefits for Executive Management and Council Appointees; Pursuant to §54957.6

C-3 Adjourn to Closed Session

At 6:33 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:59 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:02 p.m., Mayor Johnson reconvened the City Council meeting, and City Attorney Magdich disclosed that Item C-2(a) was discussion only with no reportable action. Deputy City Manager Jordan Ayers disclosed that Item C-2(b) was discussion and direction with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of September 16, 2015, was called to order by Mayor Johnson at 7:02 p.m.

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

B. Presentations

B-1 Lodi Fire Department Pink October Breast Cancer Awareness Month Fundraiser Proclamation (FD)

Mayor Johnson presented a proclamation to Fire Captain Oscar Picazo proclaiming October as Lodi Fire Department Pink October Breast Cancer Awareness Month fundraiser. Captain Picazo reported this is the fourth year that Lodi Fire has raised funds for the American Breast Cancer Association; Pink October t-shirts are on sale now and will be available at the October 4 Street Faire for purchase; and October 7 and 19 is the Chili's fundraiser with 15 percent of the proceeds going to the Association.

B-2 Firefighter Memorial Month Proclamation (FD)

Mayor Johnson presented a proclamation to Fire Chief Larry Rooney proclaiming October as Firefighter Memorial Month in Lodi. Chief Rooney stated that Lodi fire crews have been battling the Butte fire and are now heading to the Valley fire. He further announced that a firefighter memorial at the State Capitol, which will recognize firefighters who lost their lives in the line of duty, will take place on October 17 at 11:30 a.m.

B-3 Fire Prevention Week Proclamation (FD)

Mayor Johnson presented a proclamation to Fire Chief Larry Rooney proclaiming October 4-10, 2015, as Fire Prevention Week in Lodi. Chief Rooney announced that the Lodi Fire Department will hold an open house on October 4 during the Lodi Street Faire and invited the public to attend and learn more about fire prevention.

B-4 Public Power Week Proclamation (EU)

Mayor Johnson presented a proclamation to Electric Utility Director Elizabeth Kirkley proclaiming October 18-24, 2015, as Public Power Week in Lodi. Electric Utility Director Kirkley stated that Electric Utility has been serving Lodi for 105 years and was recognized by the American Public Power Association as a Reliable Public Power Provider at the platinum level. She invited the public to attend its annual open house on October 21.

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

Council Member Kuehne made a motion, second by Mayor Johnson, 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 Kuehne, Council Member Nakanishi, and Mayor Johnson
Noes: None
Absent: Council Member Chandler, and Council Member Mounce

C-1 Receive Register of Claims in the Amount of $2,104,766.05 (FIN)

Claims were approved in the amount of $2,104,766.05.

C-2 Approve Minutes (CLK)

The minutes of August 19, 2015 (Regular Meeting), August 19, 2015 (Special Meeting), August 25, 2015 (Shirtsleeve Session), September 1, 2015 (Shirtsleeve Session), September 2, 2015 (Regular Meeting), and September 8, 2015 (Shirtsleeve Session) were approved as written.

C-3 Accept Improvements Under Contract for Downtown Sidewalk Paver Maintenance (PW)

Accepted the improvements under the contract for Downtown Sidewalk Paver Maintenance.

C-4 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Valley Outdoor Advertising, of Lodi, for Transit Advertising Services and Authorizing Public Works Director to Execute Extensions, at No Cost to the City (PW)

Adopted Resolution No. 2015-161 authorizing the City Manager to execute a Professional Services Agreement with Valley Outdoor Advertising, of Lodi, for Transit Advertising Services and authorizing the Public Works Director to execute extensions, at no cost to the City.

C-5 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with NV5, Inc., of Manteca, for Preparation of Updated Operations and Maintenance Manual for White Slough Water Pollution Control Facility ($90,000) (PW)

Adopted Resolution No. 2015-162 authorizing the City Manager to execute a Professional Services Agreement with NV5, Inc., of Manteca, for preparation of an updated Operations and Maintenance Manual for the White Slough Water Pollution Control Facility, in the amount of $90,000.

C-6 Adopt Resolution Declaring Bid of Atlas Copco USA Holdings, Inc., as Non-Responsive; Rejecting Bid; Authorizing City Manager to Execute Professional Services Agreement with Clean Energy Fuels, of Newport Beach, for Monthly Preventative Maintenance and On-Call Repairs to Compressed Natural Gas Fueling Station; and Authorizing Public Works Director to Execute Extension ($75,000) (PW)

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

In response to Council Member Kuehne, Public Works Director Wally Sandelin explained that Atlas Copco was the low bidder on a three-year maintenance and on-call repair services contract for a total cost of $75,000. Because Atlas Copco has been non-responsive in complying with the request to enter the contract, staff is recommending that the bid be rejected and awarded to Clean Energy. The $83,400 cost quoted on the Blue Sheet staff report is for a two-year contract with Clean Energy versus a three-year contract with Atlas Copco. The cost is higher than Atlas Copco's bid; however, the City is forced to go to the second low bidder because Atlas Copco was non-responsive. In further response, Mr. Sandelin stated that Clean Energy provides maintenance on compressors, programmable control systems, valves, and seals. Staff has identified another supplier for parts that may provide some cost savings. Mr. Sandelin added that contractors for compressed natural gas (CNG) maintenance are limited and it is routinely a struggle to hire a contractor that is both low cost and reliable. Council Member Kuehne questioned how many vehicles in the fleet utilize CNG, to which Mr. Sandelin estimated it was close to 100 and includes Waste Management trucks and Lodi Unified School District buses in addition to the transit vehicles.

Council Member Kuehne made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2015-168 declaring the bid of Atlas Copco USA Holdings, Inc., as non-responsive; rejecting the bid; authorizing the City Manager to execute the Professional Services Agreement with Clean Energy Fuels, of Newport Beach, for monthly preventative maintenance and on-call repairs to the compressed natural gas fueling station; and authorizing the Public Works Director to execute an extension in the amount of $75,000.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Kuehne, Council Member Nakanishi, and Mayor Johnson
Noes: None
Absent: Council Member Chandler, and Council Member Mounce

C-7 Adopt Resolution Authorizing City Manager to Execute Second Amendment to the Workers' Compensation Self-Insurance Service Agreement with York Risk Services Group, Inc., ($120,870 Year One; $123,290 Year Two; and $125,750 Year Three) (CM)

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

In response to Council Member Nakanishi, Deputy City Manager Jordan Ayers stated that York Risk Services Group is the third-party administrator for administration of the workers' compensation program, which handles management of claims, coordination with doctors and services, review of invoices, and general management of the program on behalf of the City. Prior

to York, Bragg Insurance Services provided the service until the company was purchased by York.

Council Member Nakanishi made a motion, second by Council Member Kuehne, to adopt Resolution No. 2015-169 authorizing the City Manager to execute the second amendment to the workers' compensation self-insurance service agreement with York Risk Services Group, Inc., in the amount of $120,870 for year one; $123,290 for year two; and $125,750 for year three.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Kuehne, Council Member Nakanishi, and Mayor Johnson
Noes: None
Absent: Council Member Chandler, and Council Member Mounce

C-8 Adopt Resolution Authorizing City Manager to Execute Extension of Professional Services Agreement with LaRue Communications, Inc., of Stockton, for Public Works 800 MHz Radio Transmission Service ($11,700) (PW)

Adopted Resolution No. 2015-163 authorizing the City Manager to execute an extension of the Professional Services Agreement with LaRue Communications, Inc., of Stockton, for Public Works 800 MHz Radio Transmission Service, in the amount of $11,700.

C-9 Adopt Resolution Approving Final Map and Authorizing City Manager to Execute Improvement Agreement for Reynolds Ranch Subdivision, Unit No. 1, Tract No. 3805 (PW)

Adopted Resolution No. 2015-164 approving the Final Map and authorizing the City Manager to execute an Improvement Agreement for Reynolds Ranch Subdivision, Unit No. 1, Tract No. 3805.

C-10 Adopt Resolution Authorizing Lodi Police Department to Participate in the Selective Traffic Enforcement Program Grant Funded by the Office of Traffic Safety and Appropriating Funds ($121,400) (PD)

Adopted Resolution No. 2015-165 authorizing the Lodi Police Department to participate in the Selective Traffic Enforcement Program Grant funded by the Office of Traffic Safety and appropriating funds in the amount of $121,400.

C-11 Adopt Resolution Approving River Parkways Grant Application (PRCS)

Adopted Resolution No. 2015-166 approving the River Parkways Grant application.

C-12 Adopt Resolution Authorizing Destruction of Certain Citywide Records in Accordance with the Government Code and the City's Records Management Policy (CLK)

Adopted Resolution No. 2015-167 authorizing the destruction of certain Citywide records in accordance with the Government Code and the City's Records Management Policy.

C-13 Receive Report Regarding Communication Pertaining to Assembly Bill 718 (Chu) - Removal of Regulatory Authority: Vehicles Used for Human Habitation (CLK)

Received a report regarding a communication pertaining to Assembly Bill 718 (Chu) - Removal of Regulatory Authority: Vehicles Used for Human Habitation.

C-14 Receive Update on Emergency Condition at Grape Bowl (PRCS)

Received an update on the emergency condition at the Grape Bowl.

C-15 Set Public Hearing for October 21, 2015, to Consider Adopting Resolution Approving the Planning Commission's Recommendation to Authorize 22 Low-Density Residential Growth Management Allocations for the Vintner Square Subdivision (CD)

Set a public hearing for October 21, 2015, to consider adopting a resolution approving the Planning Commission's recommendation to authorize 22 low-density Residential Growth Management Allocations for the Vintner Square 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 6.3l). 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.

Ed Miller invited the public, staff, and Council to attend Lodi Citizens in Action's Lodi Law Enforcement Appreciation event on September 30, 2015, from 3 to 7 p.m. at Lodi Lake. The purpose of the event is to demonstrate support for Lodi Police Department and San Joaquin County Sherriff's Department with proceeds to benefit the Lodi Police Foundation. Sponsors include the 180 Teen Center and local businesses, and the event will offer complimentary meals to law enforcement officers, as well as raffle prizes, music, and children's activities for attendees.

Robert Rasmussen stated that he returned from vacation to find a cottonwood tree from the Awani property had fallen onto his property and caused damage to his residence and yard. He was told initially that the tree fell from City-owned property; however, he stated the City later notified him that the tree is on State property, he should contact the State regarding restitution, and that the City would not cover the repairs. He expressed disappointment, adding that he felt it was unfair of the City to avoid its obligation because of a technicality. He wanted Council to be aware of this situation and asked if anything could be done to remove the tree from his yard so he can commence with repairs.

City Manager Schwabauer stated he was unaware of the specific details of this matter and stated he would look into it and contact Mr. Rasmussen to follow up. He added that the City has had difficulty in the past with trees that fall into the river because the State must give permission to cut or remove them. City Attorney Magdich stated that she became aware of his situation just prior to the Council meeting; a claim has yet to be filed by Mr. Rasmussen; and staff is in the process of investigating the matter.

Scott Somer asked who he should contact to institute a Neighborhood Watch group in his neighborhood, to which Mayor Johnson responded that Police Partner Jan Thalken heads the program and staff will ensure he receives her contact information.

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

Council Member Nakanishi reported that the State legislature passed SB350 last Friday, which mandates that 50 percent of electricity come from renewable resources by the year 2030. At a recent Shirtsleeve Session, staff demonstrated its ability to meet the 33 percent by 2020 mandate; however, the new 50 percent mandate will necessitate additional renewable energy purchases, which will be a challenge for the City and rate payers.

Council Member Kuehne reported that he met with Senator Galgiani on Monday to discuss the twin canals, funding for ACE commuter trains and the Altamont, and funding for Americans with Disability Act (ADA) compliance. He stated that Senator Galgiani indicated hope that the Governor will sign legislation for ADA compliance grant opportunities, which could benefit the Grape Bowl. Council Member Kuehne stated he attended the Lodi Memorial Hospital event launching the Robotic Institute of Northern California, adding that Lodi Memorial has two $2 million units and has performed over a thousand surgeries to date with a waiting list for more. He requested that Deputy City Manager Jordan Ayers keep Council apprised of the improved customer service training efforts in response to the concerns brought up at the

City Manager's meeting regarding Electric Utility. Council Member Kuehne requested a future Shirtsleeve Session to readdress the fee to reserve Lodi Lake, suggesting there should be a sliding scale as it relates to the closure of the lake. He further invited the public to celebrate the Kiwanis Club's 50th anniversary at Woodbridge Golf and Country Club on September 20 at 5 p.m.

Mayor Johnson commented on the shooting last week near downtown and commended the Police Department for its professional handling of the incident and in controlling the situation to ensure it did not expand to other areas or escalate into further violence. He stated he was pleased to see downtown parking enforcement recommence with use of the Police Partners. Mayor Johnson stated he believed there are a number of people who abuse the parking, which is unfair to the merchants. Mayor Johnson requested staff research the possibility of establishing a downtown shuttle from the parking garage that would make a continuous loop throughout the day to various parts of town in order to encourage parking in the garage.

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

City Manager Schwabauer stated that he would like to schedule a follow-up to last week's meeting with the Facebook group concerned about Electric Utility rates and charges in order to respond to their questions and report on adjustments to customer service. Further, Mr. Schwabauer stated that Council Member Mounce, who was ill and absent from the meeting, requested Council consider a citizens commission to follow up on any issue that is not addressed and resolved at the staff level.

G. Public Hearings

G-1 Public Hearing to Consider Adopting Resolution Approving 2014/15 Community Development Block Grant (CDGB) Consolidated Annual Performance and Evaluation Report; an Amendment of the 2015/16 Action Plan to Accommodate the Reallocation of Unused CDBG Funds; and Appropriating Funds ($32,279.80) (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 Johnson called for the public hearing to consider adopting resolution approving the 2014/15 Community Development Block Grant (CDGB) Consolidated Annual Performance and Evaluation Report (CAPER); an amendment of the 2015/16 Action Plan to accommodate the reallocation of unused CDBG funds; and appropriating funds in the amount of $32,279.80.

Neighborhood Services Manager Joseph Wood provided a PowerPoint presentation regarding the 2014/15 CDBG CAPER and amendment of the 2015/16 Action Plan to accommodate the reallocation of unused CDBG funds. Specific topics of discussion included CDBG accomplishments from 2014/15, amendment of the 2015/16 Action Plan, CDBG public hearing, and recommended action.

In response to Council Member Kuehne, Mr. Wood stated that the Gang Reduction, Intervention, and Prevention (GRIP) program is fully funded this year with the understanding that the Lodi Unified School District will cover half of the costs. For the last quarter of fiscal year 2014/15, the program was funded with reallocated funds from the Public Works graffiti abatement program, in conjunction with the school district's contribution. Further, the GRIP program full-time position is funded in the budget and is currently active.

In response to Council Member Kuehne, Mr. Wood explained that the request from Community Partnership for Families (CPF) was not on the list; however, the organization had been approaching the City in previous years asking for assistance in securing a facility. The Fire Administration facility in the parking garage will be available soon and the recommendation is to provide CPF funding for tenant improvements to change it from a secured office to an open, public facility. CPF brings in families for service integration and connects them with other service organizations. Additionally, GRIP program staff will work with families at the facility. City Manager Schwabauer added that this project has been a long time coming to Lodi as CPF has been attempting to locate a Family Resource Center in the community. He stated that the previous

Council directed staff to make this possible and had suggested that the Fire Administration building be considered once it was vacated, using CDBG funds to remodel the facility. Mr. Wood clarified that the remaining applicants who had requested CDBG funding were for public services and no further CDBG funds can be applied to that category.

Mayor Johnson opened the public hearing for public comment.

Robina Asghar with CPF explained that the Center was previously located in the Lodi Boys and Girls Club facility and most recently moved to the Human Development Office. CPF completes an intake for each family to ascertain its needs and provides the appropriate services or brings in partners so the families do not have to travel to other locations for assistance. She stated that CPF has been in Lodi for 18 years and has six other centers: one in Tracy and five in Stockton. With regard to staffing, the Lodi Center will have four staff and eight volunteers.

In response to Council Member Kuehne regarding the small size of the facility, Mr. Schwabauer stated that the Center's staffing will vary on its case load, adding that outside agencies, such as Lodi Police Department, Child Protective Services, and San Joaquin County Mental Health, will also be on site at times to provide assistance. Ms. Asghar added that many of the staff members and volunteers will be out in the community as well.

Council Member Nakanishi expressed support for the GRIP program and asked for information regarding the participants' ages and the State prison. Mr. Wood answered that the age range for the participants is 13 to 18, with a majority of the kids at 13, and that Mule Creek State Prison facility is utilized for the program and shared on an alternating basis with Stockton. Mr. Wood added that there are only a few programs similar to this throughout the State prison system, but it is beginning to be recognized as an effective tool, and he hopes to see this program replicated elsewhere in the correctional system.

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

Council Member Nakanishi made a motion, second by Council Member Kuehne, to adopt Resolution No. 2015-170 approving the 2014/15 Community Development Block Grant (CDGB) Consolidated Annual Performance and Evaluation Report; approving an amendment of the 2015/16 Action Plan to accommodate the reallocation of unused CDBG funds; and appropriating funds in the amount of $32,279.80.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Kuehne, Council Member Nakanishi, and Mayor Johnson
Noes: None
Absent: Council Member Chandler, and Council Member Mounce

G-2 Public Hearing to Receive Input and Consider Adoption of Resolution Calling an Election to Submit to the 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. 3); Resolution Declaring the Results of the Special Election and Ordering the Annexation of Territory to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 3); and Introduce an Ordinance Levying and Apportioning the Special Tax in Territory Annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 3) (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 Johnson called for the public hearing to receive input and consider adoption of resolution calling an election to submit to the 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. 3); resolution declaring the results of the Special Election and ordering the annexation of territory to CFD No. 2007-1 (Public Services) (Annexation No. 3); and introduce ordinance levying and apportioning the special tax in the territory annexed to CFD No. 2007-1 (Public Services) (Annexation No. 3).

City Manager Schwabauer provided a presentation regarding CFD No. 2007-1 Annexation No. 3, stating that the CFD was formed in 2007 requiring that all new residential construction units in Lodi pay a CFD fee, which is $500 a year for a single-family residence. This annexation will add a five-lot subdivision to the District.

Council Member Kuehne questioned how wide the ingress/egress on the corner will be and whether it will be a shared driveway. Deputy Public Works Director Charlie Swimley responded that the parcel is shared with the adjacent lot, the width is 20 feet, and staff verified that the driveway width meets Fire Department requirements.

Mayor Johnson opened the public hearing for public comment.

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

Council Member Kuehne made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2015-171 calling an election to submit to the 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. 3).

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Kuehne, Council Member Nakanishi, and Mayor Johnson
Noes: None
Absent: Council Member Chandler, and Council Member Mounce

City Clerk Ferraiolo reported that she canvassed the returns of the election called for September 16, 2015, and confirmed that the measure passed.

Council Member Kuehne made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2015-172 declaring the results of the Special Election and ordering the annexation of territory to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 3).

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Kuehne, Council Member Nakanishi, and Mayor Johnson
Noes: None
Absent: Council Member Chandler, and Council Member Mounce

Council Member Kuehne made a motion, second by Mayor Johnson, to introduce Ordinance No. 1915 levying and apportioning the special tax in territory annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 3).

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Kuehne, Council Member Nakanishi, and Mayor Johnson
Noes: None
Absent: Council Member Chandler, and Council Member Mounce

H. Communications

H-1 Appointment to the Recreation Commission (CLK)

Council Member Nakanishi made a motion, second by Council Member Kuehne, to make the following appointment:

Recreation Commission
Breanna Meyer, term to expire December 31, 2016

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Kuehne, Council Member Nakanishi, and Mayor Johnson
Noes: None
Absent: Council Member Chandler, and Council Member Mounce

H-2 Monthly Protocol Account Report (CLK)

Mayor Johnson made a motion, second by Council Member Kuehne, to approve the monthly Protocol Account Report through August 31, 2015.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Kuehne, Council Member Nakanishi, and Mayor Johnson
Noes: None
Absent: Council Member Chandler, and Council Member Mounce

RECESS
At 8:15 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 8:23 p.m.

I. Regular Calendar

I-1 Consider Resolution Adopting the Report on Homelessness in Lodi from the Committee on Homelessness (CD)

John Ledbetter with the Homeless Solutions Committee (HSC) provided a PowerPoint presentation regarding the Committee's Report on Homelessness in Lodi. Specific topics of discussion included purpose, beginnings, definition, statistics of homeless, findings, recommended overall goal, short- and long-term strategies and actions, and next steps.

City Attorney Magdich provided information regarding the rights of the homeless, stating that courts have found that criminalizing certain activities isunconstitutional: 1) begging, panhandling, and soliciting for money is a form of speech and is protected under the First Amendment; although, the court has found that cities can limit panhandling if it becomes aggressive, if it becomes a safety issue, or if it is near an Automated Teller Machine, and Lodi has an ordinance prohibiting aggressive panhandling; 2) sleeping, camping, and storing belongings has been ruled by the court as personal possessions and property and there are requirements for posting a property, storage of belongings, and notification about disposition of property if uncollected; 3) loitering is not a crime, but trespassing and loitering in posted areas is; and 4) distribution of food at parks and public open spaces is not a crime; however, large gatherings of groups may require a permit to aid in crowd management and clean-up after an event.

Hayden Johnson expressed concern about the possibility of turning Lawrence Park into a dog park and the removal of the benches and tables and questioned the intention behind this effort. He believed this will only result in moving the homeless further into the downtown area or Emerson Park and stated that Lawrence Park is a fine park, but he does not see many people visiting it. Mr. Johnson stated that he understands relocating the homeless and providing them with better opportunities, but not if it only causes them to move elsewhere.

Diette Goni also expressed concern about Lawrence Park, stating that it is disappointing that a place where the homeless congregate is taken away from them and given to dogs. She further suggested that the homeless be provided restroom accommodations because many of the available facilities close at 4 p.m.

John Beckman with the Building Industry Association expressed appreciation to the Committee for the minor amendment made to the report, which was presented to Council as a Blue Sheet item, that addressed the building industry's concern about inclusionary housing. He stated that he supports the report, findings, and suggestions and will be joining the Committee

and actively participating in the work.

A homeless individual, identified as Jenna Geddard, stated that the program sounds positive, but she expressed disappointment that no one from the homeless community was on the Committee to explain the experiences and needs of the homeless.

Debby Goni also expressed concern about Lawrence Park, stating she visits the park often to communicate with the homeless. She was disappointed that the tables were removed and stated that Lawrence Park needs to be whole, clean, and available to the homeless as a pleasant location to spend the day. She too expressed a need for restrooms, particularly in the downtown area, that could include shower facilities. Ms. Goni further suggested that, if the parking garage is not being used for parking, it may be an ideal location for shower and restroom facilities, as well as providing an opportunity for someone to earn income to keep it clean.

City Manager Schwabauer stated that the Committee was self-selected and included those who answered the invitation to attend the first meeting and offered to assist; it was not a Council-appointed committee. He stated that anyone who wanted to participate was welcome to be a part of the Committee, including members of the homeless community.

Christopher Vigil commended the Committee for the amount of work it put into this effort and report and the increased efforts of Salvation Army. He expressed support for a downtown restroom and suggested that houses that remain vacant for more than 30 to 60 days should be required to install an alarm system for monitoring by the Police and Fire Departments to respond quicker to fires. Mr. Vigil made comments on the following items: the purpose of a resource guide; definition of public nuisance; parking meters to collect change and the potential for vandalism; extent of and public safety concerns relating to block walks; support of continued enforcement of encampments along the river and implementation of an identification program; and repurposing facilities, such as the General Mills building, in which the homeless can reside.

Mayor Johnson pointed out that the City does not own General Mills and cannot made decisions on the use of the building.

Captain Martin Ross with the Lodi Salvation Army expressed gratitude for the City's support and stated that the Salvation Army is part of the solution by sending cleaning crews to pick up trash and providing many valuable services. Captain Ross corrected the misnomer that the homeless cannot shower at the Salvation Army, stating they can use the shower and restroom facilities any day and time, but they cannot stay overnight if they test positive for drugs or alcohol. He announced than an unnamed church, and potentially a second one, will be providing 100 percent paid transitional housing for one year for a family, following the completion of a drug and alcohol program.

Mayor Johnson asked the City Clerk to notify the individuals who spoke regarding Lawrence Park when the item comes before Council for discussion and summarized the following issues that were expressed: need for restroom facilities; reutilization of the parking garage; monitoring of vacant buildings, and concerns about block walks.

In response to Council Member Kuehne, Mr. Schwabauer stated that Council is not voting to perform any one project in the report; only voting to authorize staff and the Committee to pursue the strategies and bring back projects to Council on an individual basis.

Council Member Nakanishi expressed concern that the only funding available to apply toward this effort is Community Development Block Grant funds, which would reduce the amount of funding that can be applied to other programs. Further, he stated he believed this should be a regional effort, not solely a local strategy, because it will attract people from other counties.

Mayor Johnson made a motion, second by Council Member Kuehne, to adopt Resolution No. 2015-173 adopting the Report on Homelessness in Lodi from the Committee on

Homelessness, as amended on the Blue Sheet relating to long-term strategy No. 3 on inclusionary housing.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Kuehne, Council Member Nakanishi, and Mayor Johnson
Noes: None
Absent: Council Member Chandler, and Council Member Mounce

I-2 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Agreement for Professional Services with Efficiency Services Group, of Hillsboro, Oregon, for Public Benefits Program Administration and Further Authorizing City Manager to Execute a Two-Year Extension at City's Option ($405,125) (EU/PW)

Business Development Manager Adam Brucker provided a PowerPoint presentation regarding Amendment No. 1 to the agreement with Efficiency Services Group for Public Benefits program administration. Specific topics of discussion included newsletter, audit, and Direct Install Program; Public Benefits program; Efficiency Services Group (ESG); customer concerns; new ESG services; customer assistance; and recommended action.

In response to Council Member Kuehne, Mr. Brucker confirmed that the energy audit and Direct Install programs will be free to customers; the fee is built into the ESG contract for the City's program. Unlike the rebate programs, customers will not need to make the initial investment and request a refund. Mr. Brucker further explained that a thermostatic shower valve closes once the water reaches a certain temperature, thereby saving water and energy. Public Works has expressed an interest in sharing the cost on items that also save water.

In response to Council Member Kuehne, Mr. Brucker stated that the contract is funded from the 2.85 percent revenue that is set aside for public benefits, which must be spent on energy efficiency, adding that this funding cannot be used on anything else.

In response to Council Member Nakanishi, Mr. Brucker stated that this program is available for all customers with no restrictions on who can participate.

In response to Council Member Nakanishi, City Manager Schwabauer stated that the current billing system, JD Edwards, does not allow self-selected billing cycles; however, Deputy City Manager Jordan Ayers is exploring the possibility on whether or not the new Tyler system can accommodate that once it is implemented. He further added that it would be too difficult to bill every utility customer on the same cycle. Mr. Ayers added that staff may have some flexibility with the new system, but the City cannot put itself into a position where it issues over 20,000 bills on a given day. He anticipated the new billing system will be implemented within the next three to six months and stated that staff is currently working on the development and testing phases.

In response to Mayor Johnson, Mr. Brucker confirmed that the City already has a contract with ESG and this amendment will add the new programs to the services currently being provided. Mr. Brucker further confirmed that ESG representatives, as part of the original contract, attend Northern California Power Agency (NCPA) meetings and report to staff on lobbying efforts. Mayor Johnson suggested that staff could likely obtain that information from NCPA directly; expressed concern about the need and effectiveness of a mailed newsletter, stating that many customers do not read the utility bill inserts and it may be more effective to e-mail them; and questioned the need for meter testing since it has been stated that meters either function or not. Mayor Johnson questioned if the contract contained too many services at a high cost, some of which seem unnecessary or redundant. Mr. Brucker stated the contract includes $1,200 for design and printing of the newsletter and the City can opt to e-mail the newsletter instead.

Council Member Kuehne concurred with Mayor Johnson that the newsletter will likely go unread by many customers, and he expressed support for the energy audit portion of the contract because it will provide greater customer service.

Miranda Boutelle with ESG stated that the company works with 26 different public utilities, providing a variety of programs to each, and administers the Public Benefits program for four utilities, one of which is Lodi. Ms. Boutelle stated that ESG handles Lodi's required reporting to the California Energy Commission and has a team of eight individuals with different skill sets who work with customers through the rebate process in order for the City to meet its energy efficiency goals.

In response to Council Member Kuehne, Ms. Boutelle stated that the Direct Install program is highly effective in making customers feel that a utility cares about its customers. She stated that ESG employees are local and will be in uniform, wear badges, and have magnets on their vehicles identifying themselves and that the Police Department is typically notified so they are aware of who is in the neighborhoods. Ms. Boutelle explained that the reason behind the newsletter is to advertise the program and inform customers that this option is available to them. In further response to Council Member Kuehne, Ms. Boutelle stated that ESG has been operating the Direct Install program for five years and only one other utility requested a newsletter feature in the contract in order to spread the word about the program and to offer regular tips and best practices to its customers.

In response to Council Member Kuehne, Electric Utility Director Elizabeth Kirkley stated that the contract helps the City meet State mandates for energy efficiency and solar reporting, adding that utilities who do not utilize a contractor for this process typically have additional staff members who handle the task. With regard to the newsletter, she stated that the contract has an option to produce the newsletter electronically on the website or e-mailed to customers, and she expressed her desire to reach out to the customers to better communicate with them, citing the Library's success with its newsletter.

In response to Council Member Nakanishi, Mr. Brucker stated the City realizes $1.9 million of revenue for the public benefits program, which comes from the 2.85 percent mandatory set-aside for energy efficiency.

Christopher Vigil questioned if the auditors will recommend to customers that they transition to solar power and which company to utilize because, for some, changing out light bulbs may not be sufficient enough to realize significant savings.

Council Member Nakanishi made a motion, second by Council Member Kuehne, to adopt Resolution No. 2015-174 authorizing the City Manager to execute Amendment No. 1 to the Agreement for Professional Services with Efficiency Services Group, of Hillsboro, Oregon, for Public Benefits program administration and further authorizing the City Manager to execute a two-year extension at City's option, in the amount of $405,125.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Kuehne, Council Member Nakanishi, and Mayor Johnson
Noes: None
Absent: Council Member Chandler, and Council Member Mounce

I-3 Adopt Resolution Approving Final Map for The Village Oaks, Tract No. 3868 (PW)

Public Works Director Wally Sandelin stated this item is routine and typically handled on the Consent Calendar; however, Council could not act on it until Public Hearing item G-2 regarding the Community Facilities District No. 2007-1 (Public Services) (Annexation No. 3) was concluded. Mr. Sandelin recommended Council approve the Final Map for The Village Oaks, Tract No. 3868.

Council Member Kuehne made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2015-175 approving the Final Map for The Village Oaks, Tract No. 3868.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Kuehne, Council Member Nakanishi, and Mayor Johnson

Noes: None
Absent: Council Member Chandler, and Council Member Mounce

I-4 Adopt Resolution Approving New Classification, Job Description, and Salary Range for the Position of Utilities Manager; Approving Elimination of Deputy Public Works Director Water/Wastewater Position; and Approving Amendments to Job Descriptions and Salary Adjustments for the Positions of Water Plant Superintendent, Wastewater Plant Superintendent, and Utilities Superintendent (CM)

Human Resources Manager Adele Post provided a presentation regarding the proposed restructuring in the Public Works Department, stating that the recommendation is to approve a new classification and salary range for Utilities Manager, which will eliminate and replace the currently-vacant Deputy Public Works Director Water/Wastewater, resulting in a cost savings of 10 percent. The Utilities Manager will provide high-level management and oversight to the three utility divisions, provide oversight of the Public Works budget, and be responsible for the Fleet division. Additionally, the proposal will adjust the salaries for the three superintendents - Water Plant, Wastewater Plant, and Utilities - to reflect their additional permanent duties and be equivalent to the 10 percent temporary upgrades all three were receiving during the vacancy of the Deputy Director position.

Council Member Kuehne made a motion, second by Mayor Johnson, to adopt Resolution No. 2015-176 approving the new classification, job description, and salary range for the position of Utilities Manager; approving the elimination of the Deputy Public Works Director Water/Wastewater position; and approving the amendments to the job descriptions and salary adjustments for the positions of Water Plant Superintendent, Wastewater Plant Superintendent, and Utilities Superintendent.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Kuehne, Council Member Nakanishi, and Mayor Johnson
Noes: None
Absent: Council Member Chandler, and Council Member Mounce

I-5 Adopt Resolution Approving Salary Adjustments for the Classifications within the Engineering Series (CM)

Human Resources Manager Adele Post provided a presentation regarding the salary adjustments for the classifications within the Engineering series. Specific topics of discussion included the seven classifications in the series, specialized qualifications for engineers, difficulty in recruiting, and high demand for engineers. Ms. Post stated that the recommendation is to implement an 8 percent salary increase across the board, including current employees and vacancies, in order to put the City in a better position to recruit for these positions.

Mayor Johnson made a motion, second by Council Member Kuehne, to adopt Resolution No. 2015-177 approving the salary adjustments for the classifications within the Engineering series.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Kuehne, Council Member Nakanishi, and Mayor Johnson
Noes: None
Absent: Council Member Chandler, and Council Member Mounce

I-6 Adopt Resolution Approving the Classification, Job Description, and Salary Range for the Position of Service Writer (CM)

Human Resources Manager Adele Post provided a presentation regarding the classification, job description, and salary range for the position of Service Writer, stating that this is a new classification, which was approved in the budget, and will require the position to perform

administrative and customer service functions in the Fleet division, which will allow the mechanics to better perform their duties. Ms. Post stated that a higher-level position was eliminated, the salary is equivalent to the Parts Clerk, and the bargaining group has reviewed the proposal and is in concurrence.

Council Member Kuehne made a motion, second by Mayor Johnson, to adopt Resolution No. 2015-178 approving the classification, job description, and salary range for the position of Service Writer.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Kuehne, Council Member Nakanishi, and Mayor Johnson
Noes: None
Absent: Council Member Chandler, and Council Member Mounce

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 10:01 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk