

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 18, 2015**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of February 18, 2015, was called to order by Mayor Johnson at 5:30 p.m.

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

Absent: None

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, and Jordan Ayers, Deputy City Manager (Labor Negotiators), Regarding Lodi City Mid-Management Association, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, and Lodi Professional Firefighters Pursuant to Government Code §54957.6 (CM)

C-3 Adjourn to Closed Session

At 5:30 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:45 p.m.

C-4 Return to Open Session / Disclosure of Action

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

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

Item C-2 (b) was discussion only with direction given.

A. Call to Order / Roll Call

The Regular City Council meeting of February 18, 2015, was called to order by Mayor Johnson at 7:00 p.m.

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

Absent: None

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

B. Presentations

B-1 Presentation on Peterson Park Tree Replanting Project (PRCS)

Park Superintendent Steve Dutra provided a presentation on the Peterson Park Tree Replanting Project and invited Council and the public to attend the neighborhood event on Saturday, February 21 from 10 a.m. to 1 p.m., at which 40 new trees will be planted. Mr. Dutra recognized Tree Lodi for funding this project and announced that Arbor Day will be held on April 11 at Peterson Park.

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

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

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$2,615,498.98 (FIN)

Claims were approved in the amount of \$2,615,498.98.

C-2 Approve Minutes (CLK)

The minutes of January 27, 2015 (Shirtsleeve Session), February 3, 2015 (Shirtsleeve Session), and February 4, 2015 (Regular Meeting) were approved as written.

C-3 Approve Specifications and Authorize Advertisement for Bids; Adopt Resolution Authorizing City Manager to Award Bid and Execute Contract for Downtown Sidewalk Paver Maintenance and Appropriating Funds (\$50,000) (PW)

Approved specifications and authorized advertisement for bids; adopted Resolution No. 2015-10 authorizing the City Manager to award the bid and execute the contract for Downtown Sidewalk Paver Maintenance and appropriating funds in the amount of \$50,000.

C-4 Approve Specifications and Authorize Advertisement for Bids; Adopt Resolution Authorizing City Manager to Award Bid and Execute Contract for Downtown Concrete Cleaning (PW)

Approved specifications and authorized advertisement for bids; adopted Resolution No. 2015-11 authorizing the City Manager to award the bid and execute the contract for Downtown Concrete Cleaning.

C-5 Adopt Resolution Approving Purchase of Concrete Street Light Standards from Northern California Sales Company, of Auburn (\$41,228) (EU)

Mayor Johnson removed this item from the Consent Calendar for discussion purposes.

In response to Mayor Johnson, Electric Utility Director Elizabeth Kirkley stated that this project is for the concrete standards only, the lights would be a separate project, and that the standards can accommodate either the current bulb type or Light Emitting Diode lights, which are more energy efficient.

Mayor Johnson made a motion, second by Council Member Kuehne, to adopt Resolution No. 2015-17 approving the purchase of concrete street light standards from Northern California Sales Company, of Auburn, in the amount of \$41,228.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-6 Adopt Resolution Establishing Musco Corporation Sports Lighting as the Standard Equipment for City Parks for Future Purchases (PRCS)

Council Member Mounce removed this item from the Consent Calendar for discussion purposes.

In response to Council Member Mounce, City Attorney Magdich stated that she sent a response to a citizen who was concerned about this project, explaining that this action was to standardize the lighting only and that the installation of the lighting is subject to the competitive bidding process, which will likely come before Council at its next meeting.

Council Member Mounce made a motion, second by Mayor Johnson, to adopt Resolution No. 2015-18 establishing Musco Corporation sports lighting as the standard equipment for City parks for future purchases.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-7 Adopt Resolution Awarding Contract for City Hall Annex First Floor Phase 2 Interior Remodel Project to Diede Construction, Inc., of Woodbridge (\$2,492,000) and Appropriating Funds (\$2,754,150) (PW)

Adopted Resolution No. 2015-12 awarding the contract for the City Hall Annex First Floor Phase 2 Interior Remodel Project to Diede Construction, Inc., of Woodbridge, in the amount of \$2,492,000, and appropriating funds in the amount of \$2,754,150.

C-8 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement for Watershed Sanitary Survey with HDR Engineering, Inc., of Folsom (\$30,500) (PW)

Adopted Resolution No. 2015-13 authorizing the City Manager to execute a Professional Services Agreement for Watershed Sanitary Survey with HDR Engineering, Inc., of Folsom, in the amount of \$30,500.

C-9 Adopt Resolution Authorizing City Manager to Extend Contract for Directional Boring, Excavation, and Conduit Installation with Westech Industries, Inc., of Galt, for One Year (\$500,000) (EU)

Adopted Resolution No. 2015-14 authorizing the City Manager to extend the contract for directional boring, excavation, and conduit installation with Westech Industries, Inc., of Galt, for one year, in the amount of \$500,000.

C-10 Adopt Resolution of Intent to Vacate the 0 Block of East Vine Street Between Union Pacific Railroad and Sacramento Street. Refer to the Planning Commission, and Set a Public Hearing for April 15, 2015 (PW)

Adopted Resolution No. 2015-15 declaring intent to vacate the 0 Block of East Vine Street between the Union Pacific Railroad and Sacramento Street, refer the matter to the Planning Commission, and set a Public Hearing for April 15, 2015.

C-11 Adopt Resolution Approving Amended South Wastewater Trunk Line Impact Mitigation Fee Program Schedule of Fees (PW)

Adopted Resolution No. 2015-16 approving the Amended South Wastewater Trunk Line Impact Mitigation Fee Program Schedule of Fees.

C-12 Adopt Resolution Waiving Business License Requirement for Parks, Recreation, and Cultural Services Special Events (PRCS)

Council Member Kuehne removed this item from the Consent Calendar for discussion purposes.

In response to Council Member Kuehne, Parks, Recreation, and Cultural Services Director Jeff Hood explained that the Department is planning future events such as a farmers' market at Salas Park, Food Truck Mania at Hutchins Street Square, and Fourth at the Lake, all which would require vendors to purchase a business license. Because these are one-day events and the license purchase is cost-prohibitive to the vendors, he recommended that the business license requirement be waived for vendors during these types of special events. In further response, Mr. Hood explained that Sacramento Mobile Food Events holds food truck events all over the region with 12 to 14 trucks in one location, they are extremely successful and can bring in as many as 2,000 visitors per event, and the plan is to hold this event at Hutchins Street Square on Sunday evenings as a positive community-wide event.

City Manager Schwabauer added that the practice of waiving the business license requirement is also followed for the downtown street faire and this action would treat similar events in an equal manner.

Council Member Kuehne made a motion, second by Council Member Mounce, to adopt Resolution No. 2015-19 waiving the business license requirement for Parks, Recreation, and Cultural Services special events.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-13 Receive Update on Emergency Condition at White Slough Water Pollution Control Facility Digesters No. 1 and No. 2 (PW)

Received an update on the emergency condition at the White Slough Water Pollution Control Facility Digesters No. 1 and No. 2.

C-14 Set Public Hearing for March 18, 2015, to Consider Pre-Approved Proposition 218 Consumer Price Index-Based Annual Adjustment to Rates for Solid Waste Collection (PW)

Set a public hearing for March 18, 2015, to consider pre-approved Proposition 218 Consumer Price Index-Based annual adjustment to rates for solid waste collection.

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 encouraged the community to conserve water, explaining that the average annual rainfall for Lodi is 17 inches, yet the last three years has seen annual rainfalls of only 12 inches.

Council Member Mounce reported that she will be attending her first League of California Cities board meeting as 2nd Vice President and that she will provide a report of the meeting outcome at the next Council meeting. In response to citizen concerns regarding the increase in crime in Lodi, Council Member Mounce assured the community that public safety is a number one concern of Council and that the City Manager and Police Chief are doing what they can to make this a safer community.

Mayor Pro Tempore Chandler welcomed the high school students who were attending the meeting for their government class.

Mayor Johnson reported that he, along with representatives from the Police Department and Lodi Partners Program, participated in a well-attended meeting at Worknet to discuss issues affecting the east side of town. Residents were encouraged to take part in their community by rejuvenating Neighborhood Watch groups. Many people at the meeting expressed apprehension about working with the police, and he felt positive steps were made to alleviate those concerns. Mayor Johnson stated he looked forward to attending future meetings with this group.

Council Member Mounce requested that information regarding future meetings of this nature be shared with her. She stated she has been a long-time advocate of Neighborhood Watch and neighborhood improvement and would like to participate with 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 an Amendment of the 2014/15 Annual Action Plan (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 resolution approving an amendment of the 2014/15 Annual Action Plan.

Neighborhood Services Manager Joseph Wood provided a PowerPoint presentation regarding an amendment of the 2014/15 Community Development Block Grant (CDBG) Annual Action Plan. Specific topics of discussion included sources for and uses of the reallocation, public review and comment period, public hearing process, and requested action.

In response to Council Member Mounce, Public Works Director Wally Sandelin stated that the recommendation to reallocate funds from the Graffiti Abatement program to the Lodi Gang Reduction, Intervention, and Prevention (GRIP) Program was for the purpose of preserving the essential position which works on gang intervention. Mr. Sandelin stated that the Graffiti Abatement program would be backfilled from other sources.

In response to Council Member Mounce, Mr. Wood confirmed that CDBG funds can be used for wages and has been used in the past to fund positions in other activities. In further response, City Manager Schwabauer stated that this gang intervention position achieves a significant goal in the target area and that CDBG funding provides a mechanism to continue financing the program. At the request of Council Member Mounce, Mr. Sandelin confirmed that Measure K dollars would be used to backfill the Graffiti Abatement program. Council Member Mounce expressed her

displeasure about shifting dollars around, stating that it made it difficult for the public to follow the funding sources.

In response to Council Member Mounce, Mr. Wood stated that the balance of the general fund dollars that were committed to pay for two part-time GRIP officers is now going toward funding one full-time position, which resulted in an increased cost. For the remainder of this fiscal year, CDBG funds would cover the balance, along with funding from the Lodi Unified School District (LUSD). In future years, the position will not be funded with CDBG dollars. Mr. Schwabauer stated he believed funding in future years will be covered through a partnership between the City and LUSD.

In response to Mayor Johnson, Mr. Schwabauer confirmed that funding originally came from a grant, the City was unsuccessful in obtaining additional grant funding, and the City will continue to seek grant funds to cover this cost.

In response to Council Member Nakanishi, Police Chief Mark Helms provided background on the GRIP grant, stating the City received funding of \$550,000 with a City match of cash or in-kind services. Until the end of last year, the youth outreach workers were a cash match from the City, and the remainder of the grant went toward gang suppression in overtime funds. Because the grant was not renewed, funding was included in the Police Department budget for the remainder of this year and will likely be requested in the next budget year to sustain the gang suppression funding. This program has been instrumental in dealing with the gang problem, and he hoped that efforts will continue, adding that the absence of the grant has had a slightly negative affect on the City's partnerships with the various non-profit organizations which do much on the intervention and prevention side. Chief Helms estimated that the gang suppression budget is approximately \$75,000 in overtime costs, adding that this is not full-time shifts; rather, teams of two to four officers who work a shift at a time or officers who strategically work specific events or in response to spikes in gang or criminal activity. Chief Helms assured Council that staff will continue to seek grant opportunities.

Council Member Mounce suggested that CDBG funding could help community, non-profit groups backfill those lacking resources, to which Mr. Wood confirmed that some of the current applications under review are for continuing those services through CDBG.

In response to Council Member Mounce, Mr. Sandelin stated that paperwork to approve a new graffiti abatement vehicle is in the works and the van should be on-site within the next 60 days. He stated the vehicle is smaller than the one previously brought before Council and has the same necessary features.

Mayor Johnson opened the public hearing for public comment.

Maria Rosado provided comments regarding the Action Plan, stating that significant improvements need to be made along Cherokee Lane to make the sidewalks Americans with Disabilities Act (ADA) compliant; that crosswalks and mid-block crosswalks should be installed in certain locations along Cherokee Lane, near Hale Park, and other areas that connect residences to businesses; that adjusting the GRIP position from two part-time to one full-time position was a positive step toward gang suppression and intervention efforts; and that greater effort should be made to publish and post the CDBG public hearing notices at locations that would reach the target audience, such as at the Worknet office.

In response to Council Member Nakanishi, Mr. Sandelin stated that Public Works staff made a presentation to the Lodi Improvement Committee with a detailed map and analysis of the improvements that could be made to the accessibility conditions on Cherokee Lane, along with a request that the Committee report back to the Department on its priority areas for future improvements. In addition, the Council approved bus stop and ADA improvement projects for a variety of locations, many of which are along Cherokee Lane, and the Department is actively replacing existing sidewalks that are not ADA compliant and repairing gaps near bus stops.

In response to Mayor Pro Tempore Chandler, City Attorney Magdich explained that mid-block

crosswalks represent a liability issue for the City, especially if it is between two intersections controlled by traffic lights. Mr. Schwabauer added that cities are routinely found liable because drivers do not expect a mid-block crossing, pedestrians have a false sense of security, and it creates an even more dangerous situation.

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

Council Member Mounce requested that future CDBG public hearing notices be published in both English and Spanish and that items be posted at the Worknet office. Ms. Mounce further stated that greater effort should be made to educate people to cross within crosswalks and not mid-block and commended Public Works for its efforts on improving curbs and gutters, adding that more is needed on Cherokee Lane as much of the area lacks sidewalks.

Mayor Johnson also commended Public Works for reaching out to the Lodi Improvement Committee with its detailed map and asking for feedback.

In response to Council Member Mounce, Mr. Sandelin stated he would provide Council with a copy of the Cherokee Lane map.

Council Member Mounce made a motion, second by Mayor Pro Tempore Chandler, to adopt Resolution No. 2015-20 approving an amendment of the 2014/15 Annual Action Plan.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H. Communications

H-1 Post for Three Expiring Terms on the Lodi Improvement Committee (CLK)

Council Member Mounce made a motion, second by Council Member Nakanishi, to direct the City Clerk to post for the following expiring terms:

Lodi Improvement Committee

Fran Forkas, term to expire March 1, 2015

Curtis Juran, term to expire March 1, 2015

Maria Rosado, term to expire March 1, 2015

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H-2 Monthly Protocol Account Report (CLK)

Council Member Mounce made a motion, second by Mayor Johnson, to approve the monthly Protocol Account report through January 31, 2015.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I. Regular Calendar

I-1 Adopt Resolution Approving the Classification, Job Description, and Salary Range for the Position of Youth Outreach Worker (CM)

Neighborhood Services Manager Joseph Wood provided a presentation regarding the classification, job description, and salary range for the position of Youth Outreach Worker, stating that the part-time position is currently working 40 hours a week to keep up with the gang intervention efforts, particularly in light of recent events, and that the City is fortunate to have this individual.

Deputy City Manager Jordan Ayers stated that the City funded two part-time positions in the current year, this request will consolidate it into one full-time position, and the funding is a combination of general fund, Community Development Block Grant funds, and Lodi Unified School District (LUSD) funding for this year. In future years, LUSD funding will likely increase to one half.

Council Member Nakanishi commented that this action, along with increased efforts to recruit police officers, greater involvement from Neighborhood Watch groups, and increased police patrol, will make great strides toward combating the growing gang problem.

David Valdez with Victory Outreach Church expressed support for this action, stating that this will aid the efforts his church is making to rehabilitate gang members. He announced that the church will host many summer events and has both a men's and women's program available to those who want help.

Council Member Mounce made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2015-21 approving the classification, job description, and salary range for the position of Youth Outreach Worker.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:02 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk