

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MARCH 24, 2015**

A. Roll Call by City Clerk

The Shirtsleeve Session of March 24, 2015, was called to order by Mayor Johnson at 7:01 a.m.

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

Absent: Council Member Mounce

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

B. Topic(s)

B-1 Presentation on the City's Efforts to Mitigate the Use of Illegal Fireworks (PD)

Sergeant Steve Maynard provided a PowerPoint presentation on the City's efforts to mitigate the use of illegal fireworks. Specifics topics of discussion included fireworks issues, other obstacles, where fireworks come from locally, past courses of action, 2014 results, what other cities have done, future course of action, public education, common public service announcements, and public outreach.

In response to Council Member Nakanishi, Sgt. Maynard and Fire Marshal Gene Stoddart stated that revenue from the sale of legal fireworks in Lodi is significant, with each of the six fireworks booths averaging between \$10,000 and \$40,000 in net sales each year. The concern is with illegal fireworks, which can easily be purchased online or from vendors.

In response to Mayor Johnson, Sgt. Maynard stated that the Fourth of July mobile suppression team responds to calls through the dispatch center, as well as to sightings of fireworks, and then saturates the area in question to determine who is launching the illegal fireworks.

In response to Mayor Johnson, Fire Chief Larry Rooney stated that there was no overtime last year for Fire personnel to staff the task force because the department took a different tactic by staffing Fire Engine No. 1. Fire Marshal Stoddart added that in previous years, a member of the fire investigation team rode along with the Police Department; however, Fire personnel have no arrest powers and add a level of protection concerns for the police officer, and it was determined that staffing Engine No. 1 would be more effective. Deputy City Manager Jordan Ayers explained that the City recovered between \$10,000 and \$15,000 over each of the last three years pursuant to the Lodi Municipal Code (LMC), which places a threshold of \$20,000 that can be recovered from the two fireworks operators. In further response, Mr. Ayers stated that fines and misdemeanors account for zero percent of the cost recovery. City Manager Schwabauer further explained that the vendors, through sales revenue, fund the City's operations over the 3rd and 4th of July.

In response to Council Member Nakanishi, Sgt. Maynard stated that cities across the state are struggling with the same issues that Lodi is experiencing and that many communities are not fielding as many officers as Lodi.

In response to Council Member Nakanishi, Police Chief Mark Helms stated that the LMC provides the City with a much stronger tool than the Health and Safety or Penal Codes and LMC violations are prosecuted through the City Attorney's Office for which the burden of proof is much less. Chief Helms stated that the focus in the future will be on the person responsible for the home, whether it is the property owner or tenant, where the illegal fireworks activity is taking place, rather than trying to ascertain who is launching the fireworks. City Attorney Magdich stated that

the LMC, as written, is sufficient to accomplish this and does not need to be amended.

In response to Council Member Kuehne, Chief Helms stated that, in the case of a block party, officers would determine which home or property was most associated with the violation and take action against that property owner or tenant, which could ultimately be several responsible parties. Mr. Schwabauer added that, if the block party was legal and arranged through an encroachment permit, the responsible person would be the individual listed on the permit.

In response to Mayor Johnson, Ms. Magdich stated that the highest penalty allowable under an LMC violation is a misdemeanor; however, the fines could be increased to make the penalties more severe. Chief Helms added that those prosecuted under the LMC would suffer a civil penalty in the form of a fine that, if not paid, would be placed as a lien against the property.

In response to Council Member Nakanishi, Fire Marshal Stoddart stated that the State Fire Marshal is extremely concerned about jurisdictions' inability to dispose of confiscated fireworks due to stringent regulations and is seeking support for legislation to tax fireworks to fund this effort. In addition, he is aware of communities that cannot move or dispose of large amounts of confiscated fireworks due to the regulations and that the materials are being housed in residential areas, which is extremely unsafe. Further, Fire Marshal Stoddart stated that Lodi Stadium 12 will run advertisements regarding illegal fireworks, the cost for which would come from fireworks fees, that would reach a significant number of people.

Chief Helms suggested that another way to reach the public is through utility bill inserts and that this outreach, combined with movie theater advertisements and print and social media, will make it difficult to excuse the public for being unaware of the regulations and associated penalties. Chief Helms stated that he hopes the City will see improved results this Fourth of July due to this change in approach and application of the law.

In response to Mayor Johnson, Sgt. Maynard stated he believed that the combination of allowing safe and sane fireworks, the cessation of the California Highway Patrol's roadway interdiction program, and the increase in those selling and importing illegal fireworks has contributed to the escalation of illegal firework activity.

In response to Mayor Pro Tempore Chandler, Sgt. Maynard stated that years ago agencies could destroy confiscated fireworks by incinerating or burning them but that is no longer the case. Currently, it is on a case-by-case basis as to what the bomb squad can do with seized materials.

Council Member Nakanishi suggested the City involve Assembly and State representatives in this matter, to which Mayor Johnson stated he met with Assemblymember Jim Cooper regarding community concerns and that he would work with Fire Marshal Stoddart to craft language to provide to Mr. Cooper. Council Member Nakanishi suggested the letter also be shared with Senator Cathleen Galgiani.

In response to Mayor Johnson, Sgt. Maynard stated that there are typically concentrated areas of concern and that last year the problematic areas centered around Lodi Lake with large parties and neighborhoods near Century Boulevard.

Myrna Wetzel expressed concerns that the illegal fireworks activity is not strictly limited to the Fourth of July but also during major holidays, the activity lasts until late in the evening, and that she believed the problems began once the sale of safe and sane fireworks was legalized.

C. Comments by Public on Non-Agenda Items

Roger Rehmke submitted a petition regarding alcoholic beverage control licenses issued at special events, such as the downtown street faire. Mr. Rehmke stated that the recent change to allow beer booths on all corners during events with street closures has created problems with those businesses who have liquor licenses and are open during the same time. The businesses who signed the petition are requesting that consideration be given to return to the practice of allowing one beer garden in a well-defined area during special events with street closures.

D. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:40 a.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk