

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, APRIL 6, 2016**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of April 6, 2016, was called to order by Mayor Chandler at 6:49 p.m.

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

Absent: Council Member Johnson

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

C-2 Announcement of Closed Session

- a) Actual Litigation: Government Code §54956.9: One Application; Scott Bratton v. City of Lodi; WCAB Case No. ADJ9997650 - 2/2/2015 (CM)

C-3 Adjourn to Closed Session

At 6:49 p.m., Mayor Chandler adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:53 p.m.

C-4 Return to Open Session / Disclosure of Action

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

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

A. Call to Order / Roll Call

The Regular City Council meeting of April 6, 2016, was called to order by Mayor Chandler at 7:00 p.m.

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

Absent: Council Member Johnson

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

B. Presentations

B-1 Quarterly Update from the Greater Lodi Area Youth Commission (PRCS)

Chairman Hayden Johnson and Commissioner Tasha Shukla provided a quarterly report on the activities of the Greater Lodi Area Youth Commission, reporting that it will hold a backpack and school supply drive for underprivileged children and is in the planning stages for the Summer Beach Bash at the Lake.

Mayor Chandler expressed appreciation to the Youth Commission for its service and leadership development and thanked the members for volunteering their time.

B-2 Sexual Assault Awareness Month Proclamation (CLK)

Mayor Chandler presented a proclamation to Melissa Amos, Youth Shelter Manager for the Women's Center Youth and Family Services, proclaiming the month of April 2016 as Sexual Assault Awareness Month. Ms. Amos reported there will be many activities in April, including the National Ribbon Campaign and National Denim Day on April 27, 2016. She encouraged those wanting further information to visit the website at [www.womenscenteryfs.org](http://www.womenscenteryfs.org).

B-3 Earth Day Proclamation (PW)

Mayor Chandler presented a proclamation for Earth Day to Kathy Grant, Watershed Program Coordinator; Virginia Moore with First United Methodist Church; and Anne Wood with the Ham Lane Starbucks store. Earth Day will take place on April 9, 2016, in conjunction with the Love Lodi event with teams cleaning around the Discovery Center and Lodi Lake, similar to the Coastal Clean Up event. Those interested in participating were encouraged to register at [www.lovelodi.org](http://www.lovelodi.org). Activities will begin at 9 a.m. at Hale Park, followed by a rally, clean-up activities at the Lake, and lunch at Hale Park.

B-4 National Public Safety Telecommunicators Week Proclamation (PD)

Mayor Chandler presented a proclamation to Dispatcher Jayma Sareeram, Dispatch Supervisor Teresa Fulwiler, and Lieutenant Sierra Brucia proclaiming the week of April 10-16, 2016, as National Public Safety Telecommunicators Week.

B-5 National Animal Control Officer Appreciation Week Proclamation (PD)

Mayor Chandler presented a proclamation to Lieutenant Sierra Brucia and Animal Control Officer Brittnie Tran proclaiming the week of April 10-16, 2016, as National Animal Control Officer Appreciation Week. Lt. Brucia reported that, since the Department began utilizing social media, the euthanasia rate has lowered by over 300 animals.

B-6 National Volunteers Week Proclamation (PD)

Mayor Chandler presented a proclamation to Literacy and Volunteer Manager Yvette Herrera; Watershed Program Coordinator Kathy Grant; and Parks, Recreation and Cultural Services Director Jeff Hood proclaiming the week of April 10-16, 2016, as National Volunteers Week. Mayor Chandler acknowledged the countless volunteer hours and fiscal benefit the groups have given to the City and community and recognized the Library; Public Works; Parks, Recreation and Cultural Services; and Police Departments and their many volunteers. Mr. Hood introduced attending members who volunteer as Lodi Lake Docents, Hutchins Street Square ushers, and members of the Boosters of Boys/Girls Sports Organization.

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

Council Member Mounce made a motion, second by Mayor Pro Tempore Kuehne, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Johnson

C-1 Receive Register of Claims in the Amount of \$5,111,993.67 (FIN)

Claims were approved in the amount of \$5,111,993.67.

C-2 Approve Minutes (CLK)

The minutes of March 15, 2016 (Shirtsleeve Session), March 22, 2016 (Shirtsleeve Session), March 29, 2016 (Shirtsleeve Session), and March 29, 2016 (Special Meeting) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Kofu Park ADA Improvements (PW)

Approved plans and specifications and authorized advertisement for bids for Kofu Park ADA Improvements.

C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Alley Improvement Project - Phase 5 (PW)

Approved plans and specifications and authorized advertisement for bids for Alley Improvement Project - Phase 5.

C-5 Approve Specifications and Authorize Advertisement for Bids to Procure One Oil Handling Trailer (EU)

Approved specifications and authorized advertisement for bids to procure one oil handling trailer.

C-6 Approve Specifications and Authorize Advertisement for Bids to Procure Distribution Transformers and Conductors for the Time Period April 6, 2016 through June 30, 2017 (EU)

Approved specifications and authorized advertisement for bids to procure distribution transformers and conductors for the time period April 6, 2016 through June 30, 2017.

C-7 Adopt Resolution Awarding Bid for Purchase of One 60/12kV Power Transformer from Virginia Transformer Corporation, of Roanoke, Virginia (\$476,814) (EU)

This item was pulled from the agenda at the request of staff.

C-8 Adopt Resolution Awarding Contract for Lodi Electric Utility Storage Yard Block Wall to Diede Construction, Inc., of Woodbridge (\$163,253) (PW)

Adopted Resolution No. 2016-46 awarding the contract for Lodi Electric Utility Storage Yard Block Wall to Diede Construction, Inc., of Woodbridge, in the amount of \$163,253.

C-9 Accept Improvements Under Contract for Ham Lane Signal Modification Improvements 2015 - Vine, Tokay, and Lockeford Streets (PW)

Accepted improvements under the contract for Ham Lane Signal Modification Improvements 2015 - Vine, Tokay, and Lockeford Streets.

C-10 Adopt Resolution Supporting the Northern San Joaquin Power Connect to Ensure Future Electric Reliability for the City of Lodi and Northern San Joaquin County (EU)

Adopted Resolution No. 2016-47 supporting the Northern San Joaquin Power Connect to ensure future electric reliability for the City of Lodi and Northern San Joaquin County.

C-11 Receive Report Regarding Communication Pertaining to Assembly Bill 2614 (Bonta) - Medical Cannabis: Out-of-State Convictions (CLK)

Received report regarding communication pertaining to Assembly Bill 2614 (Bonta) - Medical Cannabis: Out-of-State Convictions.

C-12 Receive Report Regarding Communication Pertaining to Assembly Bill 2339 (Irwin) - Net Energy Metering (CLK)

Received report regarding communication pertaining to Assembly Bill 2339 (Irwin) - Net Energy Metering.

C-13 Authorize City Clerk to Deny Request for Leave to Present Late Claim, Filed on Behalf of Diane Wilbur, Pursuant to Government Code Section 911.6(a) (CA)

Authorized City Clerk to deny request for leave to present late claim, filed on behalf of Diane Wilbur, pursuant to Government Code Section 911.6(a).

C-14 Set Public Hearing for April 20, 2016 to Consider Adopting Resolution Approving the 2015-2023 Draft Housing Element (CD)

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

In response to Council Member Nakanishi, City Manager Schwabauer explained that the General Plan sets goals for the construction of affordable housing; however, no such housing has been built in the last 20 years. Cities are obligated by State law to have a 20-year General Plan, which is updated every 5 years, with policies that encourage the construction of affordable housing. The obligation to build affordable housing is not on the City; rather, it is up to developers.

Council Member Mounce reported that one of the League of California Cities 2016 goals is to create a policy that would encourage affordable housing and the League has met with the Building Industry Association (BIA) of Sacramento to discuss the matter. Unfortunately, if an affordable housing project is not beneficial financially to construct, developers will not pursue it. She assured that the League will continue to meet with the BIA and is committed to developing a policy to address the issue.

In response to Mayor Pro Tempore Kuehne, Mr. Schwabauer explained that the General Plan was adopted in 2012 and is valid for 20 years; however, the Housing Element portion of the Plan must be updated every 5 years. New legislation requires language be added regarding migrant farmworker housing, which staff will incorporate in the document.

Council Member Mounce made a motion, second by Mayor Pro Tempore Kuehne, to set public hearing for April 20, 2016, to consider adopting resolution approving the 2015-2023 Draft Housing Element.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Johnson

C-15 Set Public Hearing for April 20, 2016 to Consider Vigilant/LEARN Software Lodi Police Department Usage Policy (PD)

Set public hearing for April 20, 2016, to consider Vigilant/LEARN software Lodi Police Department usage policy.

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.

Donna Phillips, past member of the now defunct Friends of Lodi Lake, commented on the 30-year old trees that were removed at Lodi Lake for the boat ramp and restroom construction projects, stating that these mature trees came from Micke Grove and were purchased by the Friends of Lodi Lake and residents. She requested Council enact an ordinance to prevent this from happening again and that the City consider relocating trees instead of removing them. Ms. Phillips stated that, based on her research, the City lacks an adequate ordinance on the protection of trees while other community ordinances are specific in addressing the costs and consequences, which she will share with Council at each of its meetings.

Council Member Mounce assured Ms. Phillips that staff is working on an extensive draft ordinance that should also address replacement of trees.

Ms. Phillips urged residents to consider donating their mature trees to the City instead of cutting them down. She further stated that the Parks, Recreation, and Cultural Services Department appears to be amenable to moving the Friends of Lodi Lake plaque to a different location instead of where the tree was taken out; however, she has not been approached regarding replacement or restitution for the trees that were cut down.

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

Mayor Chandler stated that he gave a presentation on government last month to Mrs. Hennecke's 3rd grade class at Reese School, at which he explained how city government touches lives every day in the form of electricity, water, and safe roads. The class expressed its appreciation by sending him a packet of "thank you" notes. Mayor Chandler reported that he, the City Manager, and Electric Utility Director met in Sacramento with Northern California Power Agency partners to advocate against Assembly Bill 2339, which will have negative implications on control of local utilities. He also toured the Lodi Energy Center with Congressman Jerry McNerney and thanked him for this support of hydro and other energy issues. Finally, he, Mayor Pro Tempore Kuehne, and Council Member Mounce attended the Salvation Army annual awards dinner, at which the City of Lodi received its Big Heart Award for Lodi's cooperation in addressing the homelessness situation. He gave the award to staff to display in an appropriate location.

Council Member Mounce reported that the League of California Cities was successful in tabling Senate Bill 876, which would give individuals the right to rest at any location, including city halls, parks, and in front of homes, while eliminating the enforcement abilities of police. She stated the League will continue to work with the author to ensure local control remains with cities and to better address the homeless situation and housing options.

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

None.

G. Public Hearings - None

H. Communications

H-1 Post for Expiring Terms and Vacancies on the Greater Lodi Area Youth Commission, Library Board of Trustees, Lodi Arts Commission, and Planning Commission (CLK)

Council Member Mounce made a motion, second by Mayor Chandler, to direct the City Clerk to post for the following vacancies:

Greater Lodi Area Youth Commission  
Student Appointees:

Cole Carouba, term to expire May 31, 2016  
Evan Gardella, term to expire May 31, 2016  
Hayden Johnson, term to expire May 31, 2016  
Sanjay Shukla, term to expire May 31, 2016  
Tasha Shukla, term to expire May 31, 2016

**Adult Advisor:**

Bre Meyer, term to expire May 31, 2016

Library Board of Trustees

Terry Costa, term to expire June 30, 2016  
Scot Martin, term to expire June 30, 2016

Lodi Art Commission

Patricia Stump, term to expire July 1, 2016  
Annalisa Sharp Babich, term to expire July 1, 2016  
Richard Vasquez, term to expire July 1, 2016

Planning Commission

Wendel Kiser, term to expire June 30, 2016  
Randall Heinitz, term to expire June 30, 2016

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: Council Member Johnson

I. Regular Calendar - None

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:35 p.m.

ATTEST:

Jennifer M. Ferraiolo  
City Clerk