

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MAY 18, 2016**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of May 18, 2016, was called to order by Mayor Chandler at 6:47 p.m.

Present: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, and Mayor Chandler

Absent: Mayor Pro Tempore Kuehne

Also Present: City Manager Schwabauer, Deputy City Attorney Fukasawa, and City Clerk Ferraiolo

C-2 Announcement of Closed Session

- a) Threatened Litigation: Government Code §54956.9(b); One Application; Potential Suit by Rodney Olsen against City of Lodi; WCAB Claim No. CLMN-547486; (DOI: 8/21/2012) (CM)

C-3 Adjourn to Closed Session

At 6:47 p.m., Mayor Chandler adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:55 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:01 p.m., Mayor Chandler reconvened the City Council meeting, and Deputy City Attorney Fukasawa 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 May 18, 2016, was called to order by Mayor Chandler at 7:01 p.m.

Present: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, and Mayor Chandler

Absent: Mayor Pro Tempore Kuehne

Also Present: City Manager Schwabauer, Deputy City Attorney Fukasawa, and City Clerk Ferraiolo

B. Presentations

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

Commissioners Sanjay Shukla and Hope Lorentzen provided the quarterly update from the Greater Lodi Area Youth Commission. The Committee established a school supply backpack drive with donation bins at local businesses to collect supplies and backpacks for youth who cannot afford them and is in the planning stages for an end of summer Beach Bash at Lodi Lake in August.

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

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

Noes: None

Absent: Mayor Pro Tempore Kuehne

C-1 Receive Register of Claims in the Amount of \$4,104,147.04 (FIN)

Claims were approved in the amount of \$4,104,147.04.

C-2 Approve Minutes (CLK)

The minutes of April 20, 2016 (Regular Meeting), April 26, 2016 (Shirtsleeve Session), May 3, 2016 (Shirtsleeve Session), and May 4, 2016 (Regular Meeting) were approved as written.

C-3 Accept Quarterly Report of Purchases between \$10,000 and \$20,000 (CM)

Accepted the Quarterly Report of Purchases between \$10,000 and \$20,000.

C-4 Accept Quarterly Investment Report as Required by the City of Lodi Investment Policy (CM)

Accepted the Quarterly Investment Report as required by the City of Lodi Investment Policy.

C-5 Adopt Resolution Authorizing City Manager to Purchase Law Enforcement Carbine Rifles through Adamson Police Products (\$54,240.44) and Trijicon Optics (\$31,347) and Appropriating Funds (\$85,587.44) (PD)

Adopted Resolution No. 2016-76 authorizing the City Manager to purchase law enforcement Carbine rifles through Adamson Police Products in the amount of \$54,240.44 and Trijicon Optics in the amount of \$31,347 and appropriating funds in the amount of \$85,587.44.

C-6 Adopt Resolution Awarding Bids for Purchase of Electric Utility Wire and Cable from AWG, of Miami, Florida (\$51,358.86) and Pacific Utilities, of Concord (\$17,658) (EU)

Adopted Resolution No. 2016-77 awarding bids for purchase of Electric Utility wire and cable from AWG, of Miami, Florida, in the amount of \$51,358.86 and Pacific Utilities, of Concord, in the amount of \$17,658.

C-7 Accept Donation from Michael-David Family Foundation for Summer Recreation Program (PRCS)

Accepted a donation from Michael-David Family Foundation for the Summer Recreation Program.

C-8 Adopt Resolution Authorizing City Manager to Execute Agreement with Vigilant Solutions for LEARN Software, Purchase Automated License Plate Readers, and Authorize Future Purchases (\$22,490) (PD)

Adopted Resolution No. 2016-78 authorizing the City Manager to execute an agreement with Vigilant Solutions for LEARN software, purchase automated license plate readers, and authorizing future purchases, in the amount of \$22,490.

C-9 Adopt Resolution Approving Agreement Between City of Lodi and Spare Time, Inc., dba Twin Arbors Athletic Club, for the Summer Swim League Program (PRCS)

Adopted Resolution No. 2016-79 approving an agreement between City of Lodi and Spare Time, Inc., dba Twin Arbors Athletic Club, for the Summer Swim League Program.

C-10 Adopt Resolution Approving Activity Guide Printing Agreement with Casey Printing, Inc., of King City, for Fiscal Year 2016/17 (\$21,700.89) and Authorize Staff to Execute Two One-Year Extensions (PRCS)

This item was originally pulled from the Consent Calendar, to be brought back later, in order to allow staff the opportunity to meet with a local business owner who asked for the opportunity to bid on this project; however, Council Member Johnson had concerns regarding the matter.

Council Member Johnson stated Council received a letter from a downtown business owner who was disappointed that she was not given the opportunity to bid on this project and he expressed concern that it may be unfair to the other bidders who followed the process and already submitted bids. While he does not disagree with the business owner, he questioned what the protocol was in the bidding process. City Manager Schwabauer explained that, if this is a product the local business owner can produce, the project would go out to bid again. He further explained this is a re-bid situation that extends for a three- to five-year period and, if the local vendor is capable of producing this product, it would be prudent to bid the project again with a broader search. Council Member Johnson expressed concern that the previous bidders' figures have been made public and are now known to competing vendors. He stated that, in the future, qualified businesses in the community be informed of the opportunity to bid and be included in the process, adding that this local business was unaware of the project.

Council Member Mounce stated her understanding was this project was an extension of a contract that was in place for a period of time and that no bids were advertised. She stated that she believed those in the community should have an opportunity to bid on a project if they are able to provide the service and be notified of the bid opportunity.

This item will return to Council on a future agenda.

C-11 Adopt Resolution Authorizing City Manager to Execute Advisory Services Attachment to Single Member Services Agreement with Northern California Power Agency and Authorizing City Attorney to Execute Conflicts Waiver with Meyers Nave for Astoria 2 Solar Project (EU)

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

In response to Council Member Nakanishi, Rates & Resources Manager Melissa Price stated that in 2014 the City entered into a power purchase agreement for 10 megawatts for this project. With the exception of rooftop solar, Lodi does not have solar energy resources and this will be the first large solar project added to Lodi's power portfolio, representing about 7 percent of the load. Legislation requires utilities to reach 33 percent of power from renewable resources by the year 2020 and 50 percent by 2030. Existing resources carry Lodi only as far as 2018; the Astoria project will get Lodi to 30 percent by 2020; and there will be additional projects brought forward to Council to extend that coverage. In further response, Ms. Price stated the Astoria project initiated with the Southern California power agencies, known as SCPA, at a competitive price, which was of great interest to Lodi; however, no other NCPA member was interested in joining at the time.

In response to Council Member Mounce, Ms. Price stated the regulations pertain to Senate Bill 350, which requires 33 percent of power come from renewable resources by 2020 and

50 percent by 2030 and includes interim thresholds along the way. There are soft targets that have to be met every three to four years, and she stated 2016 is the end of one of those compliance periods. Council Member Mounce stated that a majority of state mandates cost cities money, which cause rates to increase, and the public does not always realize that municipalities have no control over the state's regulations.

Council Member Nakanishi made a motion, second by Council Member Mounce, to adopt Resolution No. 2016-80 authorizing the City Manager to execute Advisory Services Attachment to Single Member Services Agreement with Northern California Power Agency and authorizing the City Attorney to execute Conflicts Waiver with Meyers Nave for Astoria 2 Solar Project.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, and Mayor Chandler

Noes: None

Absent: Mayor Pro Tempore Kuehne

C-12 Receive Report Regarding Communication Pertaining to Senate Bill 1069 (Wieckowski) - Accessory Dwelling Units (CLK)

Received a report regarding communication pertaining to Senate Bill 1069 (Wieckowski) - Accessory Dwelling Units.

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.

Diego Olagary, on behalf of US Lodi and cyclists of Lodi, thanked the Council for once again bringing the Amgen tour to Lodi and for continuing to support tourism and cycling in Lodi, which also helps to promote the wine industry. He stated that he hopes there is more to come in the future for cycling.

Representatives of the Community Partnership for Families youth group, The Breakers, provided an update on its past and scheduled events. Theresa Juarez reported that the Handball Tournament at Twin Arbors was a huge success and received media coverage in the local newspaper. Jose Gomez invited Council to attend its Art in the Park event at Lodi Lake on May 25, 2016, at 3 p.m., at which the first community art piece will be presented. Maribel Mendoza invited Council to participate in the first Peace Walk on June 5, 2016, at Blakely Park. The Breakers presented the City with a canvass painting as a representation of the activity at Lodi Lake.

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

Mayor Chandler reported on his many activities of the week: 1) He, along with the Rotary Club and Chamber of Commerce, recognized K-6 students at Needham School for perfect attendance. Students were rewarded with pins and a pizza lunch; 2) He attended the "Take Back the City" event in the K-Mart parking lot and stated he was pleased to see communities pulling together to make this a safer city; 3) This morning, he participated in the walk/bike to school event at Larson School with K-6 students; 4) He responded to a mid-day request from news channels 3 and 40 to provide an interview regarding the Amgen tour; 5) Tomorrow is the Amgen tour, and he thanked the volunteers, committee, City staff and departments, and community for all of their assistance and support; 6) This afternoon, he participated in the grand opening and ribbon cutting for

Jamba Juice, which is the only Jamba Juice in California with a drive-thru window. He believed the business will be a great community partner, adding that 20 percent of its proceeds today went to the Parents-Teachers Association and it plans to support the local Boys and Girls Club; and 7) He will be touring the General Mills facility with representatives from the wine industry who may be interested in utilizing some of the space at the site.

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

None.

G. Public Hearings

G-1 Public Hearing to Introduce Ordinance to Modify the Zoning Code to Require Design Review for Multi-Family Structures in the Medium Density Residential and High Density Residential Zoning Designations (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Chandler called for the public hearing to introduce an ordinance to modify the Zoning Code to require design review for multi-family structures in the Medium Density Residential and High Density Residential zoning designations.

City Planner Craig Hoffman provided a presentation regarding modification of the Zoning Code to require design review for multi-family structures in the Medium Density and High Density Residential zoning designations. Specific topics of discussion included code adoption in 2013; the need for revision to include design review for multi-family units; previous code that requires all new structures to be reviewed by staff, the Site Plan and Architectural Review Committee (SPARC), Planning Commission, or Council; oversight in the previous code amendment; and concurrence by the Planning Commission.

Council Member Mounce appreciated staff bringing this issue forward because many of the lots in question are on the east side. This code revision would take existing neighborhoods into consideration when building a new structure.

Council Member Nakanishi asked for clarification on this issue, and Mr. Hoffman explained that the previous development code required all structures to receive some level of review; for example, design and architectural review would go before SPARC and entitlements would go before the Planning Commission. Through oversight, the new code had a gap, in which a multi-family structure constructed on an existing property no longer required an architectural review.

Council Member Mounce provided an example of an empty lot on the east side, on which a four-story apartment complex was going to be constructed among residential units. The proposed project was not scheduled to have on-site management; it would overpopulate the neighborhood; the streets were too narrow; and there was inadequate parking. This code amendment will ensure a project fits with the neighborhood, it will take existing residents into consideration, and not build in an area that is already overpopulated.

Mayor Chandler opened the public hearing for public comment.

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

Council Member Mounce made a motion, second by Council Member Johnson, to introduce Ordinance No. 1920 to modify the Zoning Code to require design review for multi-family structures in the Medium Density Residential and High Density Residential zoning designations.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, and Mayor Chandler

Noes: None  
Absent: Mayor Pro Tempore Kuehne

H. Communications - None

I. Regular Calendar

I-1 Receive Electric Utility Strategic Planning Customer Survey Report by GreatBlue Research, Inc. (EU)

This item was pulled from the agenda.

I-2 Provide Direction Regarding City Council Representation for Electric Utility Strategic Planning (EU)

This item was pulled from the agenda.

I-3 Provide Direction Regarding Lodi Electric Utility Customer Advisory Board (EU)

This item was pulled from the agenda.

I-4 Introduce Ordinance Amending Lodi Municipal Code Chapter 1.08 - General Penalty - by Repealing and Reenacting Section 1.08.010 (A), "General Penalty" (CA)

Deputy City Attorney John Fukasawa provided a presentation regarding the introduction of an ordinance amending Lodi Municipal Code Chapter 1.08 - General Penalty. Specific topics of discussion included request to amend the Chapter by the Superior Court Clerk's Office; Court's updated computer system that includes specific code sections; ability to reduce a misdemeanor citation or conviction to an infraction; current prosecutorial discretion for the City Attorney's Office in the Government Code; and memorializing this discretion in the City's ordinance.

In response to Council Member Mounce, Mr. Fukasawa confirmed that the sole change to the ordinance is the addition of language regarding the discretion of the prosecuting attorney in Section 1 (a).

Council Member Johnson made a motion, second by Council Member Mounce, to introduce Ordinance No. 1921 amending Lodi Municipal Code Chapter 1.08 - General Penalty - by repealing and reenacting Section 1.08.010 (A), "General Penalty."

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Council Member Nakanishi, and Mayor Chandler

Noes: None

Absent: Mayor Pro Tempore Kuehne

I-5 Introduce Ordinance Amending Lodi Municipal Code Title 5 - Permits and Regulations - by Repealing and Reenacting Chapter 5.24, "Taxicab Transportation Service," and Chapter 5.25, "Pedicabs," in Their Entirety to Update, Standardize, and Clarify Appeal Procedures, Renewal Procedures and Requirements, Insurance Requirements, Health and Safety Requirements, and Definitions (CA)

Deputy City Attorney Fukasawa provided a presentation regarding the introduction of ordinances amending Lodi Municipal Code Title 5 in regard to taxicab transportation services and pedicabs. Specific topics of discussion included updates to the taxicab ordinance, including: 1) the appeals process for applicants and permit holders, 2) insurance requirements, 3) definitions to exclude certain types of activities that are preempted by the Public Utilities Commission (PUC), which regulates transportation modes such as Uber, Lyft, limousines, buses, and wine buses; 4) inspection requirements for safety and sanitation, adding annual mechanical inspections, and

allowing the Police Department to inspect vehicles; and update to the pedicab ordinance to make the renewal process consistent with the existing taxicab ordinance on a calendar-year basis. Mr. Fukasawa stated that staff researched other city ordinances, specifically Stockton's, regarding sanitation and safety regulations and that many of the requirements added to the ordinance reflect the requirements imposed on transportation companies that operate under PUC regulations, such as the \$1 million minimum insurance, background checks, vehicle inspections, and age of vehicles.

Council Member Johnson stated he was not opposed to the end-goal of this ordinance; however, he expressed concern with utilizing Police Department personnel to inspect vehicles and perform background checks, stating he would rather officers utilize that time patrolling the streets.

Mr. Fukasawa stated that the Police Department was consulted in the drafting of the ordinance and provided its feedback. Currently, the Department handles the background checks and the vehicle inspections as part of the traffic enforcement division. Mr. Fukasawa confirmed that Lodi has two taxicab companies and one pedicab company. In response to Council Member Johnson, City Manager Schwabauer stated that the transit company has a contractual element that allows the company to perform background checks on its drivers. Council Member Johnson suggested reworking the ordinance with regard to vehicle inspections and background checks.

Mr. Fukasawa pointed out that a background check is only required for the applicant and the ordinance change allows the Police Department the discretion to run a new background check if there is reason to believe there is criminal history since the initial application; it is not an annual requirement. Mr. Schwabauer stated that the background check is essentially a fingerprint check through the computer system.

Council Member Mounce suggested the ordinance come back at a later date to address Council Member Johnson's concerns.

In response to Council Member Nakanishi, Mr. Schwabauer stated that the PUC regulates limousines and that the insurance requirements are similar to those in Stockton. Mr. Fukasawa stated the City's Risk Manager contributed to the recommendation on the insurance requirements, and Mr. Schwabauer added that the City's insurance pool provides regulations for the City to follow. City Clerk Ferraiolo confirmed that the two taxicab companies are operated by individuals and both were issued owner/driver licenses.

In response to Mayor Chandler, Mr. Schwabauer confirmed that the City does not regulate Uber and Lyft, but, in preparing the draft ordinance, Mr. Fukasawa mirrored their requirements so that Lodi cab drivers fall under the same rules.

In response to Council Member Nakanishi, Mr. Schwabauer confirmed that Uber and Lyft operate in Lodi; however, they are regulated by the PUC.

There was no Council action taken on this matter.

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:43 p.m. in memory of Dr. Narius Noori, a local physician, who passed away on May 15, 2016.

ATTEST:

Jennifer M. Ferraiolo  
City Clerk