

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 20, 2015**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of May 20, 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 Adele Post, Human Resources Manager, and Jordan Ayers, Deputy City Manager (Labor Negotiators), Regarding 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)

b) Actual Litigation: Government Code §54956.9(a); One Case; Sukhwinder Kaur, Individually and as the Successor in Interest for the Decedent Parminder Singh Shergill, et. al. v. City of Lodi, et al.; U.S. District Court, Eastern District of California; Case No. 2:14-CV-00828-GEB-AC (CA)

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 6:49 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 and direction given with no reportable action taken.

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

A. Call to Order / Roll Call

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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 Proclamation Recognizing Organizing Committee, Employees and Volunteers for Amgen Tour of California (CLK)

Following introductory comments by Parks, Recreation, and Cultural Services Director Jeff Hood and a video clip showing an excerpt of the May 11, 2015, Amgen Tour of California, Mayor Bob Johnson presented proclamations to Bob Colarossi with Crush Estate and Nancy Beckman with Visit Lodi! in recognition of the organizing committee, employees, and volunteers who assisted with the event.

B-2 Presentation of American Public Power Association Reliable Public Power Provider Award (EU)

Electric Utility Director Elizabeth Kirkley presented the American Public Power Association Reliable Public Power Provider Award to Mayor Bob Johnson.

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

Council Member Mounce made a motion, second by Council Member Kuehne, to approve the following items hereinafter set forth 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 \$5,538,622.15 (FIN)

Claims were approved in the amount of \$5,538,622.15.

C-2 Approve Minutes (CLK)

The minutes of April 21, 2015 (Shirtsleeve Session), April 28, 2015 (Shirtsleeve Session), April 28, 2015 (Special Meeting), May 5, 2015 (Shirtsleeve Session), May 6, 2015 (Special Meeting), and May 6, 2015 (Regular Meeting) were approved as written.

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

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

C-5 Accept Memorial Tree and Plaque Donation from Dennis and Carol Callahan (PRCS)

Accepted memorial tree and plaque donation from Dennis and Carol Callahan.

C-6 Adopt Resolution Authorizing City Manager to Accept Donation of Vehicles from the Lodi Police Partners' Foundation and Designating Disposition When the Vehicles are Retired from City's Vehicle Fleet (PD)

Adopted Resolution No. 2015-54 authorizing the City Manager to accept the donation of vehicles from the Lodi Police Partners' Foundation, designating the disposition when the vehicles are retired from City's vehicle fleet, and further appropriating funds in the amount of \$22,417.03.

C-7 Adopt Resolution Accepting the San Joaquin Valley Air Pollution Control District Alternative Fuel Grant; Approving the San Joaquin Valley Air Pollution Control District

Public Benefit Grants Program Funding Agreement Executed by Lodi Police Department Accepting Grant Funds; Approving Purchase of Two Zero Emissions Motorcycles; and Appropriating Funds (\$44,506) (PD)

Adopted Resolution No. 2015-55 accepting the San Joaquin Valley Air Pollution Control District Alternative Fuel Grant; approving the San Joaquin Valley Air Pollution Control District Public Benefit Grants Program Funding Agreement executed by Lodi Police Department accepting grant funds; approving the purchase of two Zero Emissions motorcycles; and appropriating funds in the amount of \$44,506.

C-8 Adopt Resolution Authorizing the City Manager to Execute Contract with J & M Displays, Inc., for 2015 and 2016 Fourth of July Fireworks Shows at Lodi Lake Park (\$32,000) (PRCS)

Adopted Resolution No. 2015-56 authorizing the City Manager to execute the contract with J & M Displays, Inc., for 2015 and 2016 Fourth of July fireworks shows at Lodi Lake Park in the amount of \$32,000.

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

Adopted Resolution No. 2015-57 approving the agreement between the City of Lodi and Spare Time, Inc., dba Twin Arbors Athletic Club, for the Summer Swim League Program.

C-10 Adopt Resolution Ratifying the San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2015/16 (PW)

Adopted Resolution No. 2015-58 ratifying the San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2015/16.

C-11 Adopt Resolution Implementing Portal-to-Portal Reimbursement for Office of Emergency Services Mutual Aid (FD)

Adopted Resolution No. 2015-59 implementing portal-to-portal reimbursement for Office of Emergency Services Mutual Aid.

C-12 Receive Update on Emergency Condition at White Slough Water Pollution Control Facility Digesters No. 1 and No. 2 (PW)

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

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 reported that he attended the Eastern San Joaquin County Groundwater Basin Authority board meeting last week, at which the Sustainable Groundwater Management Act was discussed that requires the formation of a Groundwater Sustainability

Agency (GSA). Council Member Nakanishi explained that agencies can opt to have one agency cover the basins or multiple agencies; to date, no agency has formed a GSA; and if an agency is not formed in the next one and a half years, the State Department of Water Resources will take control.

Council Member Mounce informed citizens that the social media "Nextdoor" is geared toward neighborhoods with the intent to encourage neighbors to meet one another and give them the ability to report problems and receive important information, including recent news about the drought situation and the new watering rules. Council Member Mounce requested that a utility bill insert, in both English and Spanish, be mailed regarding the new watering days so that citizens are aware and can avoid fines. Ms. Mounce thanked City Clerk Ferraiolo for following up on the issue from the last Council meeting regarding the Council Protocol Manual policy on Council responses to letters of request from the League of California Cities and for ensuring the policy is followed. Further, Council Member Mounce expressed appreciation to retiring Police Chief Mark Helms for his hard work and efforts, especially on issues relating to gang problems.

Mayor Johnson reported that he attended a recent meeting of the Lodi Senior Citizens Commission, at which the members expressed concern about the direction and purpose of the commission, particularly in light of the closing of the Senior Center at Hutchins Street Square. Mayor Johnson suggested a joint meeting of the City Council and Senior Commission to discuss this issue and further develop and refine its role to best benefit the Council, Commission, and community. Mayor Johnson also commended Chief Helms and congratulated him on his retirement.

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

City Manager Schwabauer thanked and recognized the Lodi Police Partners Foundation for the many hours it gives to the City, as well as its on-going fundraising efforts, which resulted in the recent donation of \$22,000 to the City for the purchase of new Police Partners vehicles. This group provides labor and raises funds to make the program possible, which is rare and remarkable, and he believed the group deserved to be commended.

G. Public Hearings - None

H. Communications

H-1 Monthly Protocol Account Report (CLK)

Council Member Mounce made a motion, second by Mayor Pro Tempore Chandler, to approve the monthly Protocol Account report through April 30, 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 Introduce Ordinance Amending Lodi Municipal Code Title 13 - Public Services - by Repealing and Re-Enacting Section 13.14, "Stormwater Management and Discharge Control Code," in its Entirety (PW)

Public Works Director Wally Sandelin provided a PowerPoint presentation regarding ordinance repealing and reenacting Lodi Municipal Code section pertaining to the stormwater management and discharge control code. Specific topics of discussion included rationale for code changes, specific code changes, and enforcement.

In response to Council Member Kuehne, Mr. Sandelin stated that citations and fines are issued for waste discharged into the storm drain system and he provided the example of a resident who was discharging waste from a wine-making activity into the system and Mokelumne River. The individual was charged the cost of staff time associated with cleaning the waste.

In response to Council Member Mounce, Mr. Sandelin stated there is no fee structure, but the practice has been to charge violators the costs associated with cleaning the waste or allowing the property owner to correct the problem under certain circumstances. The fine includes staff time of \$50 to \$75 per hour, vehicle charges for the vac-con truck, and disposal charges. Mr. Sandelin confirmed that a majority of storm drains are labeled that they drain into the river. He stated that staff will bring forward a fine structure at a later date.

In response to Council Member Nakanishi, Mr. Sandelin stated that the State is progressively moving toward treating stormwater discharges whether by retention on site, filtration through grass overflow areas, retention in ponds, or mechanical filtration and the City is moving in that direction as well.

In response to Council Member Kuehne, Mr. Sandelin stated that the ordinance changes are standard with most Municipal Separate Storm Sewer System (MS4) communities throughout the state. Mr. Kuehne questioned if the City was pursuing capturing stormwater runoff from buildings, to which Mr. Sandelin replied that there is progress in that direction as part of the current permit.

John Teravskis with WGR stated that the most significant change in the permit is the post construction design standards, which will require new development to implement low-impact development systems encouraged to infiltrate, bioretain, or evapotranspire to capture and reuse stormwater. This regulation will affect projects completed after July 1, 2015. Mr. Sandelin explained that "post construction" means completed developments in which the resident or commercial tenant has moved into and is occupying the space. Additionally, the property owner will be required to maintain the project to ensure continued compliance with the permit.

In response to Council Member Kuehne, Mr. Sandelin stated that the first rainwater encapture facility is located at the corner of Lodi Avenue and Cherokee Lane.

Council Member Mounce questioned how the appeal process will be handled. Mr. Sandelin stated that, to date, all violations have been resolved at the staff level without the need for an appeal. City Attorney Magdich explained that the code provides a 20-day timeframe for an individual to appeal and a 20-day timeframe for Council to hear the matter and render a decision.

In response to Council Member Nakanishi, Mr. Sandelin stated that the Water Conservation Stage 3 Emergency Action Plan sets forth requirements on washing vehicles and runoff into the storm drain system.

Debbie Haeshe questioned if capturing rainwater runoff and reusing the water is prohibited. Mr. Sandelin stated that it is allowed and encouraged, adding there is a City rebate for rain barrels.

Council Member Mounce made a motion, second by Mayor Pro Tempore Chandler, to introduce Ordinance No. 1905 amending Lodi Municipal Code Title 13 - Public Services - by repealing and re-enacting Section 13.14, "Stormwater Management and Discharge Control Code," in its entirety.

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-2 Adopt Resolution Approving Memorandum of Understanding between the City of Lodi and the Lodi Police Dispatchers Association for the Period January 1, 2015 through December 31, 2017 and Appropriating Funds (\$96,674) (CM)

Human Resources Manager Adele Post provided a presentation regarding the Memorandum of Understanding (MOU) with the Lodi Police Dispatchers Association (LPDA). The LPDA proposal includes a modest salary increase of 3 percent in year one retroactive to January 5, a 2 percent increase in year two, and a 2 percent increase in year three; incentive increase for Field Training Officers certified through the POST academy; and correction of an error relating to the past elimination of the sick leave conversion program. Ms. Post explained that the program was eliminated for employees hired after 1994/95; however, the language was not omitted from the LPDA MOU and later inaccurately changed. In order to rectify the matter and avoid costly litigation, the six affected employees will be established with a Retiree Health Savings Account and the City will contribute \$75,000 on a prorated basis with a 1 percent annual contribution on a pay period basis. Ms. Post stated that, in order to avoid a double benefit, this sick leave balance will be ineligible for California Public Employees Retirement System service credit, but future sick leave earnings will be eligible. The cost of the LPDA contract over three years is \$304,738.

Council Member Mounce expressed her appreciation to staff and LPDA for agreeing to correct this situation in a manner that is fair to both the City and the employees.

Mayor Pro Tempore Chandler made a motion, second by Council Member Kuehne, to adopt Resolution No. 2015-60 approving Memorandum of Understanding between the City of Lodi and the Lodi Police Dispatchers Association for the period January 1, 2015 through December 31, 2017 and appropriating funds in the amount of \$96,674.

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-3 Adopt Resolution Approving the Reclassification of One Library Assistant to the Position of Senior Library Assistant (CM)

Human Resources Manager Adele Post provided a presentation regarding the reclassification of one Library Assistant to Senior Library Assistant, stating that the current employee has been working at a higher class for an extended period of time, a majority of the duties match those in the Senior position, and the reclassification would be a 10 percent salary increase.

In response to Council Member Mounce, Ms. Post stated that this is a reclassification of a position and would not increase the staffing level.

Council Member Mounce made a motion, second by Mayor Pro Tempore Chandler, to adopt Resolution No. 2015-61 approving the reclassification of one Library Assistant to the position of Senior Library Assistant.

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

J-1 Ordinance No. 1902 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 12 - Streets, Sidewalks and Public Places - by Repealing and Re-

Enacting Chapter 12.12, 'Parks,' in its Entirety; and Further Repealing and Re-Enacting Chapter 12.16, 'Permits for Use of City Facilities,' in its Entirety" (CLK)

Council Member Mounce made a motion, second by Mayor Pro Tempore Chandler, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1902 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 12 - Streets, Sidewalks and Public Places - by Repealing and Re-Enacting Chapter 12.12, 'Parks,' in its Entirety; and Further Repealing and Re-Enacting Chapter 12.16, 'Permits for Use of City Facilities,' in its Entirety," which was introduced at a regular meeting of the Lodi City Council held May 6, 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

J-2 Ordinance No. 1903 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 6 - Animals - by Repealing and Re-Enacting Chapter 6.08, 'Prohibited Animals,' in its Entirety" in Regard to Chicken Hens (CLK)

Scott Summer expressed his support for the ordinance, stating he and his wife are moving to Lodi and are pleased to see that chicken hens would be allowed in the City limits.

Council Member Kuehne made a motion, second by Council Member Mounce, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1903 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 6 - Animals - by Repealing and Re-Enacting Chapter 6.08, 'Prohibited Animals,' in its Entirety," which was introduced at a regular meeting of the Lodi City Council held May 6, 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

J-3 Ordinance No. 1904 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 6 - Animals - by Repealing and Re-Enacting Chapter 6.15, 'Vicious/Potentially Dangerous Dogs,' in its Entirety" (CLK)

Council Member Mounce made a motion, second by Mayor Pro Tempore Chandler, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1904 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 6 - Animals - by Repealing and Re-Enacting Chapter 6.15, 'Vicious/Potentially Dangerous Dogs,' in its Entirety," which was introduced at a regular meeting of the Lodi City Council held May 6, 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

ANNOUNCEMENT

City Manager Schwabauer announced that Hutchins Street Square will be holding Food Truck Mania this Sunday, as well as Music at the Park on Wednesday.

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 7:58 p.m., in memory of Randy Luiz, who passed away on May 16, 2015.

ATTEST:

Jennifer M. Ferraiolo
City Clerk