

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 7, 2016**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of September 7, 2016, was called to order by Mayor Pro Tempore Kuehne at 6:35 p.m.

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

Absent: Mayor Chandler

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

C-2 Announcement of Closed Session

- a) Actual Litigation: Government Code §54956.9; One Application; Curtis Edwards v. City of Lodi; WCAB Case No. ADJ8077767-STK (DOI: 7/12/2010) (CM)
- b) Conference with Adele Post, Human Resources Manager, and Jordan Ayers, Deputy City Manager (Labor Negotiators), Regarding AFSCME General Services and Maintenance and Operators Pursuant to Government Code §54957.6 (CM)

C-3 Adjourn to Closed Session

At 6:35 p.m., Mayor Pro Tempore Kuehne adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:56 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Chandler reconvened the City Council meeting, and Deputy City Attorney Fukasawa disclosed the following actions.

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

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

A. Call to Order / Roll Call

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

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

Absent: None

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

B. Presentations

B-1 Lodi Law Enforcement Appreciation Month Proclamation (CLK)

Mayor Chandler presented a proclamation proclaiming the month of September 2016 as Lodi Law Enforcement Appreciation Month in the City of Lodi to Lodi Citizens in Action member June Aaker

who invited the Council and public to attend a special event honoring local law enforcement members on Saturday, September 24, at Lodi Lake from 11 a.m. to 3 p.m. The event is free to the community and will include games, raffles, food, and a "Hug-A-Cop" booth. Ms. Aaker encouraged the public to support local law enforcement by purchasing blue light bulbs at \$5 each and proudly illuminating the lights on front porches. Net proceeds from the event and sales of the blue light bulbs will be presented to the Lodi Police Foundation at a future City Council meeting.

B-2 Public Power Week Proclamation (EU)

Mayor Chandler presented a proclamation to Electric Utility Director Elizabeth Kirkley proclaiming the week of October 16 - 22, 2016, as Public Power Week in Lodi. Ms. Kirkley introduced Electric Utility staff in attendance and invited the Council and public to attend Lodi Electric Utility's annual open house on October 19, 2016.

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

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

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$5,029,005.23 (FIN)

Claims were approved in the amount of \$5,029,005.23.

C-2 Approve Minutes (CLK)

The minutes of August 16, 2016 (Shirtsleeve Session), August 17, 2016 (Regular Meeting), August 23, 2016 (Shirtsleeve Session) and August 23, 2016 (Special Meeting) were approved as written.

C-3 Approve Specifications and Authorize Advertisement for Bids for 2016 Downtown Concrete Cleaning (PW)

This item was removed from the Consent Calendar at the request of Mayor Pro Tempore Kuehne for discussion purposes.

Mayor Pro Tempore Kuehne stated that the last time the sidewalks were pressure washed and cleaned, the medallion design on Elm Street was overlooked and he questioned if that could be built into the contract this time, to which Public Works Director Charlie Swimley responded in the affirmative.

Council Member Mounce made a motion, second by Council Member Johnson, to approve the specifications and authorize advertisement for bids for 2016 Downtown Concrete Cleaning.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-4 Approve Specifications and Authorize Advertisement for Bids for Beckman Park Storm Water Pump Station Improvement Project (PW)

Approved specifications and authorized advertisement for bids for the Beckman Park Storm Water Pump Station Improvement project.

- C-5 Adopt Resolution Authorizing City Manager to Accept Donation of a Multi-Purpose Robot from the Lodi Police Foundation (\$66,120) (PD)

Adopted Resolution No. 2016-160 authorizing the City Manager to accept donation of a multi-purpose robot from the Lodi Police Foundation valued at \$66,120.

- C-6 Adopt Resolution Authorizing City Manager to Waive Bid Process and Purchase One 2016 Ford F-550 with Dump Body and Hoist from Downtown Ford, of Sacramento, Utilizing the Competitively-Bid State of California Contract No. 1-16-23-20A (\$59,226) (PW)

Adopted Resolution No. 2016-161 authorizing the City Manager to waive the bid process and purchase one 2016 Ford F-550 with dump body and hoist from Downtown Ford, of Sacramento, utilizing the competitively-bid State of California Contract No. 1-16-23-20A, in the amount of \$59,226.

- C-7 Accept Improvements Under Contract for Lodi Electric Utility Storage Yard Block Wall (PW)

Accepted the improvements under the contract for the Lodi Electric Utility Storage Yard Block Wall project.

- C-8 Adopt Resolution Authorizing City Manager to Execute Support Services Program Agreement with Northern California Power Agency (EU)

Adopted Resolution No. 2016-162 authorizing the City Manager to execute the Support Services Program Agreement with Northern California Power Agency.

- C-9 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Pre-Sort Center, Inc., of Stockton, for Print, Insert, and Mail Services in the Aggregate Amount of \$204,248 (CM)

Adopted Resolution No. 2016-163 authorizing the City Manager to execute a Professional Services Agreement with Pre-Sort Center, Inc., of Stockton, for print, insert, and mail services in the aggregate amount of \$204,248.

- C-10 Adopt Resolution Authorizing City Manager to Execute Two-Year Professional Services Agreements with 1) 4 Leaf, Inc., of Pleasanton, 2) Interwest Consulting Group, of Roseville, and 3) Bureau Veritas, of Sacramento, for Building Codes Plans Examining, Building Codes Inspection, Fire Codes Plans Examining, and Fire Codes Inspection Services on an As-Needed Basis; and Further Authorizing City Manager to Execute Two Two-Year Extension Options with Each Consultant with the Total Contracts Not to Exceed Six Years or \$900,000 (CD)

Adopted Resolution No. 2016-164 authorizing the City Manager to execute two-year Professional Services Agreements with 1) 4 Leaf, Inc., of Pleasanton, 2) Interwest Consulting Group, of Roseville, and 3) Bureau Veritas, of Sacramento, for Building Codes plans examining, Building Codes inspection, Fire Codes plans examining, and Fire Codes inspection services on an as-needed basis; and further authorizing the City Manager to execute two two-year extension options with each consultant with the total contracts not to exceed six years or \$900,000.

- C-11 Adopt Resolution Accepting 2016 Edward Byrnes Memorial Justice Assistance Grant and Authorizing Police Chief to Execute Grant Agreement and All Necessary Forms (\$22,863) (PD)

Adopted Resolution No. 2016-165 accepting the 2016 Edward Byrnes Memorial Justice Assistance Grant and authorizing the Police Chief to execute the grant agreement and all necessary forms, in the amount of \$22,863.

C-12 Adopt Resolution Amending Language in Resolution No. 2016-87 to Include Required Language as Set Forth in the Grant Administered by the Department of Alcoholic Beverage Control (PD)

Adopted Resolution No. 2016-166 amending language in Resolution No. 2016-87 to include required language as set forth in the grant administered by the Department of Alcoholic Beverage Control.

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

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

C-14 Adopt Resolution Approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2015/16 (PW)

This item was removed from the Consent Calendar at the request of a member of the public for discussion purposes.

In response to Mike Lusk, Public Works Director Charlie Swimley stated that the \$200,000 transfer from the wastewater impact fund was a payment to the debt service that is owed to the operating fund. Mr. Lusk questioned if any project was delayed due to insufficient impact funds, to which Mr. Swimley responded in the negative. Further, Mr. Swimley stated that the impact fees are adjusted annually based on the Engineering News Record index.

Council Member Mounce made a motion, second by Mayor Pro Tempore Kuehne, to adopt Resolution No. 2016-167 approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2015/16.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

C-15 Receive Report Regarding Communication Pertaining to Assembly Bill 2835 (Cooper) - Orientations and Informational Programs (CLK)

Received report regarding communication pertaining to Assembly Bill 2835 (Cooper) - Orientations and Informational Programs.

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.

John Slaughterback commented on a recent article in the Lodi News-Sentinel that reported Lodi has \$211,800 in unpaid utility bills owed to the City, adding that he recalled the City previously lost \$375,000 because of this problem and that, while some corrective actions have been taken,

more effort is needed to eliminate that debt. He expressed concern that other utility customers are carrying the load of that loss. Mr. Slaughterback stated other cities eliminate this loss by making property owners responsible for the debt through a lien on the property, adding that Sacramento County added the unpaid amount to his property tax bill when his renters did not pay the account. He suggested the City implement a similar approach or require a larger deposit up front to eliminate the City's losses.

Council Member Mounce pointed out that the article failed to mention that Lodi collects over \$1 million in late fees from customers who fail to pay their bills on time, which far exceeds the debt write off amount. Deputy City Manager Jordan Ayers verified those figures, stating over \$1 million was collected in late fees, while \$211,000 was referred to a collection agency. Council Member Mounce stated that five years ago members of the public expressed the same concern that the rest of the rate payers were paying the cost and, in response, the City shortened the timeframe on collections and increased the late fees. She acknowledged that the City experiences a loss from non-payment of accounts; however, that amount is offset with late fees.

Council Member Nakanishi stated this issue has been discussed many times in the past and that Lodi is in a better position than most cities with regard to bad debt write off. Lodi shortened the timeframe, which many felt was unfairly gouging citizens. Council Member Nakanishi stated that he believed property owners would be opposed to being penalized for their tenants' failure to pay utility accounts and questioned what other cities were doing in that regard. Mr. Ayers stated he would look into the matter, but did confirm that Sacramento County collects from property owners for sewer, water, and refuse if not paid.

Council Member Johnson requested that Mr. Ayers also research what it costs an agency to implement such a program in comparison to the amount each is trying to collect. He stated it seems improbable that any business can have a zero sum for bad debt and there will always be some sort of write off.

Mike Lusk stated the San Joaquin Registrar of Voters Office reports that absentee ballots will be mailed on October 10 with voters' pamphlets going out the week prior. He stated he supports both Measures R (Parks and Recreation) and S (Public Safety) and encouraged citizens to read the pamphlet, study the issues, and see for themselves that this is a special tax designated specifically for Parks, Police, and Fire.

Representatives from the Community Partnership for Families Breakers group reported that it meets on Mondays and Wednesdays to plan events and announced that the free event, Celebration on Central, will be September 25 and 26 from 11 a.m. to 3 p.m. on South Central Avenue.

Pat Patrick, President/CEO of the Lodi District Chamber of Commerce, announced that the Chamber has partnered with the City of Lodi Neighborhood Services Division to bring the concept of Asset Based Community Development (ABCD) to Lodi. This program will work to increase the value on the east side, now referred to as the Heritage District, and he invited Council to the kickoff event on September 16 and 17 at the Lodi Boys and Girls Club. Neighborhood Services Manager Joseph Wood explained this concept is a new methodology that breaks from past practice by looking at issues within neighborhood communities, receiving input from residents, and determining an effective approach. This program will evaluate and identify a community's strengths versus its problems and determine how to build on those qualities. Mr. Wood reported that he will be distributing further information and a video to Council to explain the program in greater detail. Mr. Patrick stated that the costs associated with hosting the ABCD consultants are covered through a mini grant from Farmers and Merchants Bank.

In response to Mayor Pro Tempore Kuehne, Mr. Wood stated he would ensure that Neighborhood Watch captains are invited to participate, adding that he already reached out to the Partners Program for assistance and that the flyers were printed in both English and Spanish. Mr. Patrick added that workshop information has also been provided to the Lodi Unified School District, local churches, and Parent-Teacher Associations and through California Human Development.

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

Council Member Mounce referred to an email correspondence from a citizen requesting a refund for her water meter, which was installed during the course of constructing upgrades to the home and cost more than those who did not remodel their homes. She requested a Shirtsleeve Session to further discuss the issue and consider a time limit for refunding the difference of the water meter installation, possibly one year within Council's decision. City Manager Schwabauer stated that, in this case, one year would not qualify the citizen in question because the remodel was in 2008; however, he stated he would gather the pertinent information.

Mayor Chandler reported on the success of the well-attended Field and Fair Day event at Hutchins Street Square on Monday, September 5, which included balloon rides and breakfast sponsored by the Kiwanis and Rotary Clubs. Later on Labor Day, he and his family rented kayaks and utilized the new boathouse, adding that he was pleased to see no motorized vehicles on the lake or river that day. Mayor Chandler reported that the Recreation Commission will be coming to Council to request a temporary 5 mile per hour speed limit on the river from the Youth Area to the end of the Nature Area that should help diminish the shoreline erosion.

Council Member Johnson, in response to Council Member Mounce's request, stated he was uncertain that a Shirtsleeve Session was necessary to discuss the water meter refund issue as only one citizen has complained. He stated if this were a rampant issue, he would be willing to discuss the matter further.

Council Member Mounce responded that whether or not there is a need for a Shirtsleeve Session will depend on the City Manager's report back to Council.

F. Comments by the City Manager on Non-Agenda Items - None

G. Public Hearings

G-1 Continue Public Hearing to October 19, 2016, to Consider Adopting Resolution Eliminating the Reduced Residential Impact Fee Structure for Low- and Medium-Density Zoning Designations (PW)

City Manager Schwabauer reported that staff recommends continuing the public hearing to October 19, 2016, in order to republish the hearing to include Parks impact fees, which were previously overlooked.

Council Member Mounce made a motion, second by Mayor Pro Tempore Kuehne, to continue public hearing to October 19, 2016, to consider adopting resolution eliminating the reduced Residential Impact Fee Structure for low- and medium-density zoning designations.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

G-2 Public Hearing to Consider Adopting Resolution Approving the 2015/16 Community Development Block Grant Consolidated Annual Performance and Evaluation Report (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 consider adopting resolution approving the 2015/16 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER).

Community Services Manager Joseph Wood provided a PowerPoint presentation regarding the CDBG CAPER. Specific topics of discussion included CAPER Year 2 of 5 accomplishments, public review, and comment period.

In response to Council Member Johnson, Mr. Wood stated the reason for the significant increase in service for the Emergency Food Bank is that it expanded its service locations by adding schools, working at California Human Development, and participating in the Health and Wellness Fair through the Junior Giants program. Council Member Johnson questioned if the City is prepared to handle the fair housing and discrimination testing, stating this function seems more appropriate for the County because it has specialized individuals who deal with those types of issues. Mr. Wood stated that the Department of Housing and Urban Development has emphasized the need for all agencies to do more with discrimination testing, and Lodi included that element in the scope of services for San Joaquin Fair Housing. Further review will determine whether or not it has been effective, but next year staff is considering utilizing a separate entity that has the ability to handle the testing and can provide a decent and thorough inventory. In further response, Mr. Wood stated there is only one fair housing agency throughout the County and, if the agency cannot handle this particular element, the City would reduce its allocation accordingly.

In response to Mayor Pro Tempore Kuehne, Mr. Wood stated that all of the figures quoted in the PowerPoint presentation are strictly related to Lodi and are not County-wide results. In further response, Mr. Wood stated that fair housing services include landlord-tenant disputes, counseling, discrimination, and assistance with code enforcement issues, but it does not provide housing. Mayor Pro Tempore Kuehne commented on how much food was provided to Lodi residents this past year through agencies such as Salvation Army, Grace and Mercy Charitable Foundation, Emergency Food Bank, Second Harvest Food Bank, and supplemental groceries and questioned if it was more than enough for this community. Mr. Wood responded that the program aims to ensure people know where to get food and that agencies are getting more actively involved and expanding their activities to ensure the target audience is being adequately served. In response to Mayor Pro Tempore Kuehne, City Manager Schwabauer stated that the graffiti van has a City of Lodi logo on the side doors, but he would work with the Public Works Director to ensure the logo is more visible.

Council Member Nakanishi questioned how staff can be absolutely certain the recipients of these services are Lodi residents because homeless individuals could be from anywhere. Mr. Wood stated that the program serves low-income Lodi residents, not the homeless, and participants are required to complete a benefits qualification statement, which includes information on where they live, income, demographics, and financial background. The information is tracked for the Federal government and for the City to ascertain who is being served and from which areas. In further response, Mr. Wood stated that he was uncertain of the standard cost of tattoo removal, but the center that handles the service for the program charges \$25 a session.

Council Member Mounce stressed the importance of the services provided by San Joaquin Fair Housing, stating the agency helped many individuals while she served on the Lodi Improvement Committee, particularly with landlord-tenant issues because many of the properties were absentee landlords. She pointed out that the east side of Lodi is the poorest section of the entire County, it needs significant assistance, and the City should not lose sight of that fact.

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 Mayor Pro Tempore Kuehne, to adopt Resolution No. 2016-168 approving the 2015/16 Community Development Block Grant Consolidated Annual Performance and Evaluation Report.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

H. Communications

H-1 Appointments to the Lodi Arts Commission and Greater Lodi Area Youth Commission (Adult Advisor) (CLK)

Mayor Pro Tempore Kuehne made a motion, second by Council Member Johnson, to make the following appointments:

Lodi Arts Commission

Richard Dentino, term to expire July 1, 2019

Jean Justeau Payne, term to expire July 1, 2019

Greater Lodi Area Youth Commission - Adult Advisor

Breanna Meyer, term to expire May 31, 2019

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

I. Regular Calendar - None

J. Ordinances

J-1 Adopt Ordinance No. 1928 Entitled, "An Uncodified Ordinance of the Lodi City Council Levying and Apportioning the Special Tax in Territory Annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 4)" (CLK)

Mayor Pro Tempore 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. 1928 entitled, "An Uncodified Ordinance of the Lodi City Council Levying and Apportioning the Special Tax in Territory Annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 4)."

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:00 p.m., in memory of Maria Lopresti, a local business owner, who passed away on September 1, 2016.

ATTEST:

Jennifer M. Ferraiolo
City Clerk