

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 15, 2014**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of October 15, 2014, was called to order by Mayor Katzakian at 6:30 p.m.

Present: Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hansen, and Mayor Katzakian

Absent: Council Member Nakanishi

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

C-2 Announcement of Closed Session

- a) Conference with Adele Post, Human Resources Manager, and Jordan Ayers, Deputy City Manager (Labor Negotiators), Regarding Unrepresented Executive Management, Lodi City Mid-Management Association, Unrepresented Confidential Employees, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, Fire Mid-Managers, Lodi Professional Firefighters, and International Brotherhood of Electrical Workers Pursuant to Government Code §54957.6

C-3 Adjourn to Closed Session

At 6:30 p.m., Mayor Katzakian adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:52 p.m.

C-4 Return to Open Session / Disclosure of Action

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

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

A. Call to Order / Roll Call

The Regular City Council meeting of October 15, 2014, was called to order by Mayor Katzakian at 7:00 p.m.

Present: Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hansen, and Mayor Katzakian

Absent: Council Member Nakanishi

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

B. Presentations - None

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

Council Member Mounce made a motion, second by Mayor Pro Tempore Hansen, 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, Mayor Pro Tempore Hansen, and Mayor Katzakian

Noes: None

Absent: Council Member Nakanishi

C-1 Receive Register of Claims in the Amount of \$2,898,542.18 (FIN)

Claims were approved in the amount of \$2,898,542.18.

C-2 Approve Minutes (CLK)

The minutes of September 30, 2014 (Shirtsleeve Session), October 1, 2014 (Regular Meeting), and October 7, 2014 (Shirtsleeve Session) were approved as written.

C-3 Report of Sale of Surplus Equipment (PW)

Received Report of Sale of Surplus Equipment.

C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Lodi Lake Storm Drain Outfall Improvement Project (PW)

Approved plans and specifications and authorized advertisement for bids for Lodi Lake Storm Drain Outfall Improvement Project.

C-5 Approve Plans and Specifications and Authorize Advertisement for Bids for Northern Plume Monitoring Well Installation Project (PW)

Approved plans and specifications and authorized advertisement for bids for Northern Plume Monitoring Well Installation Project.

C-6 Approve Specifications and Authorize Advertisement for Bids for City Hall Boiler Replacement Project (PW)

Approved specifications and authorized advertisement for bids for City Hall Boiler Replacement Project.

C-7 Accept Memorial Bench and Plaque Project in Memory of Hank Wright (PRCS)

Accepted memorial bench and plaque project in memory of Hank Wright.

C-8 Adopt Resolution Authorizing Purchase of 2015 PB Overhead Loader from Nixon-Elgi Equipment Company, of Tracy (\$201,507.28) (PW)

Adopted Resolution No. 2014-188 authorizing purchase of 2015 PB overhead loader from Nixon-Elgi Equipment Company, of Tracy, in the amount of \$201,507.28.

C-9 Adopt Resolution Approving the Sole-Source Purchase of a Parking Enforcement Vehicle from Maintenance Municipal Equipment, of Sacramento, and Appropriating Funds (\$39,004) (PD)

This item was pulled from the Consent Calendar at the request of Council Member Johnson.

Council Member Johnson stated he could not support this request due to the high price of the vehicle. He suggested staff research the use of smart cars, stating some agencies are switching to those to save costs.

Police Chief Mark Helms agreed that the scooters were costly; however, smart cars are not

configured to allow a parking enforcement officer to lean out of the vehicle in order to chalk tires. The scooter recommended by staff allows an officer to access tires from either side of the vehicle and has the turning capability necessary for accessing tight areas. Until the City moves away from the antiquated method of chalking tires, this vehicle best meets staff's needs.

Council Member Johnson suggested staff research new parking enforcement technology, including hand-held devices that would monitor vehicle license plates and generate tickets.

In response to Council Member Mounce, Chief Helms stated that the current parking enforcement vehicle has been out of commission for approximately eight months, the duties have been handled by van or car or on foot, and this matter is not urgent, if Council opted to delay it. He further responded that staff will research other methods of parking enforcement, as well as other types of vehicles; however, it would take some time and the recommendation would need to correspond with Council's ultimate direction on the downtown parking plan, which to date is still undecided. Chief Helms stated that the current method of chalking tires is archaic and that the scooter has great value regardless of the ultimate parking plan, as it would continue to be used downtown and for special events.

Council Member Mounce stated she would support the request, based on the fact that it meets the current downtown parking method, it has no doors on the sides making tire chalking easier, and it saves time. Chief Helms added that nearly \$32,000 of the cost comes from disabled parking fines with the remaining \$7,000 coming from the vehicle replacement fund.

Mayor Pro Tempore Hansen stated he would be interested in receiving a preliminary proposal on new parking enforcement technology and suggested there may be grants available to fund some portion of a new system. He further stated he would support the request, based on the fact that most of the funding is in place from fines and for the downtown parking enforcement program to get back on track.

In response to Mayor Katzakian, Chief Helms stated that there is technology that allows visitors to pay for a parking space, without the need to place a parking stub on a vehicle dashboard, and an officer regularly checks how much time remains for each parking space. Chief Helms stated that, once a downtown parking plan is determined, staff can research the best enforcement method.

In response to Mayor Pro Tempore Hansen, Police Captain David Griffin stated that the scooter is used all over town, not just the downtown area, and is also utilized for traffic collisions, training, and special events, such as the parade of lights.

Council Member Mounce made a motion, second by Mayor Pro Tempore Hansen, to adopt Resolution No. 2014-195 approving the sole-source purchase of a parking enforcement vehicle from Maintenance Municipal Equipment, of Sacramento, and appropriating funds in the amount of \$39,004.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Mounce, Mayor Pro Tempore Hansen, and Mayor Katzakian

Noes: Council Member Johnson

Absent: Council Member Nakanishi

C-10 Adopt Resolution Authorizing Standardization and Sole Source Procurement of Wonderware Operations Software for Public Works Facilities from Wonderware NorCal, of Healdsburg (PW)

Adopted Resolution No. 2014-189 authorizing standardization and sole source procurement of Wonderware Operations Software for Public Works facilities from Wonderware NorCal, of Healdsburg.

C-11 Adopt Resolution Awarding Contract for Granular Activated Carbon Replacement, Well No. 18 and No. 20 to Calgon Carbon, of Pittsburgh, Pennsylvania (\$210,626.40) (PW)

Adopted Resolution No. 2014-190 awarding contract for granular activated carbon replacement, Well No. 18 and No. 20 to Calgon Carbon, of Pittsburgh, Pennsylvania, in the amount of \$210,626.40.

C-12 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Garland/DBS, Inc., of Cleveland, Ohio, for Hutchins Street Square Roof Repair Project (\$49,976) (PW)

Adopted Resolution No. 2014-191 authorizing the City Manager to execute a Professional Services Agreement with Garland/DBS, Inc., of Cleveland, Ohio, for Hutchins Street Square Roof Repair Project in the amount of \$49,976.

C-13 Adopt Resolution Authorizing City Manager to Execute Improvement Agreement for Reynolds Ranch Phase 3A Public Improvements (PW)

Adopted Resolution No. 2014-192 authorizing the City Manager to execute an Improvement Agreement for Reynolds Ranch Phase 3A Public Improvements.

C-14 Adopt Resolution Approving the Cost Sharing Fee for Fiscal Year 2014/15 between the City of Stockton and Sirsi Corporation, of Lehi, Utah (\$25,039) (LIB)

Adopted Resolution No. 2014-193 approving the cost sharing fee for Fiscal Year 2014/15 between the City of Stockton and Sirsi Corporation, of Lehi, Utah, in the amount of \$25,039.

C-15 Adopt Resolution Authorizing the Lodi Police Department to Apply for the San Joaquin Valley Air Pollution Control District Alternative Fuel Grant (\$40,000) (PD)

Adopted Resolution No. 2014-194 authorizing the Lodi Police Department to apply for the San Joaquin Valley Air Pollution Control District Alternative Fuel Grant in the amount of \$40,000.

C-16 Adopt Resolution Accepting a Donation from the Lodi Police Foundation (\$200,000) and Grant from the State Homeland Security Grant Program (\$50,000); Awarding the Bid for the Purchase of an Armored Rescue Vehicle from The Armored Group, of Fort Worth, Texas; and Appropriating Funds (\$250,000) (PD)

This item was pulled from the Consent Calendar by Council Member Johnson.

In response to Council Member Johnson, Police Chief Helms confirmed that the purchase of the armored vehicle will be completely paid for by community donations and grants and that no general fund money will be used to fund it or purchase additional equipment.

Chief Helms recognized Lieutenants Chris Jacobson and Steve Nelson for their efforts in working with the Lodi Police Foundation (LPF) and further expressed appreciation to LPF for its hard work and effort to raise \$200,000 for the purchase of this vehicle.

Council Member Johnson made a motion, second by Mayor Pro Tempore Hansen, to adopt Resolution No. 2014-196 accepting a donation from the Lodi Police Foundation in the amount of \$200,000 and a grant from the State Homeland Security Grant Program in the amount of \$50,000; awarding the bid for the purchase of an armored rescue vehicle from The Armored Group, of Fort Worth, Texas; and appropriating funds in the amount of \$250,000.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hansen, and Mayor Katzakian

Noes: None

Absent: Council Member Nakanishi

C-17 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.

C-18 Set Public Hearing for November 19, 2014, to Consider Adopting a Resolution Setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2015 (CD)

Set public hearing for November 19, 2014, to consider adopting a resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2015.

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 Johnson complimented the police and fire departments for hosting an Emergency Operations Center table-top exercise, which involved representatives from every department to practice how the City would respond in a specific emergency situation. The exercise demonstrated that the City would be well-prepared; however, Mr. Johnson suggested staff research the cost associated with implementing a reverse 911 system that could notify City residents, or portions of neighborhoods, should an emergency situation arise.

Council Member Mounce reported that she recently participated in a Presidential call-in discussion, at which the Ebola crisis was discussed. It became apparent during the conversation that this crisis is not entirely under control. Ms. Mounce stated that preparation at the local level needs to take place, particularly with police, fire, and hospitals, and suggested the City Manager contact local agencies to get a plan organized. City Manager Schwabauer stated that the San Joaquin County Emergency Management System issued an Ebola protocol last week, and he has already directed police and fire personnel to look into the matter. Council Member Mounce further expressed appreciation to Deputy City Manager Jordan Ayers and Senior Planner Craig Hoffman for participating in the League of California Cities Central Valley golf tournament and fundraiser.

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

None.

G. Public Hearings - None

H. Communications

H-1 Post for Expiring Terms on the Lodi Senior Citizens Commission, Personnel Board of Review, Recreation Commission, San Joaquin Council of Governments Citizens' Advisory Committee, and the Site Plan and Architectural Review Committee (CLK)

Council Member Mounce made a motion, second by Mayor Katakian, to direct the City Clerk to post for the following expiring terms:

Lodi Senior Citizens Commission

Susan Cook, term to expire December 31, 2014

Personnel Board of Review

Floyd Williams, term to expire January 1, 2015

John Stroh, term to expire January 1, 2015

Recreation Commission

Rick Morgan, term to expire December 31, 2014

Jeffrey Palmquist, term to expire December 31, 2014

Barbara Wardrobe-Fox, term to expire December 31, 2014

San Joaquin Council of Governments Citizens' Advisory Committee

Richard Blackston, term to expire January 1, 2015

Site Plan and Architectural Review Committee

Crystal Kirst, term to expire January 1, 2015

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hansen, and Mayor Katakian

Noes: None

Absent: Council Member Nakanishi

H-2 Monthly Protocol Account Report (CLK)

Council Member Mounce made a motion, second by Mayor Katakian, to approve the Monthly Protocol Report through September 30, 2014.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hansen, and Mayor Katakian

Noes: None

Absent: Council Member Nakanishi

I. Regular Calendar

I-1 Annual Americans with Disabilities Act Committee Report (CD)

Neighborhood Services Manager Joseph Wood provided a PowerPoint presentation regarding the annual Americans with Disabilities Act (ADA) committee report and goals.

In response to Council Member Mounce, Mr. Wood stated that, as part of the plan, Public Works will conduct a survey of public facilities and rights-of-way to determine accessibility needs.

At the request of Council Member Mounce, Mr. Wood provided the names of the ADA Citizens Advisory Panel: Tracy Williams with the LOEL Center; Angelica Shear with Valley Mountain Regional Center; Hy Cohen with the Community Center for the Blind; Dena Hernandez with the Local Board of State Council Developmental Disabilities; and Anna Hjalmer, who serves as the community representative.

There was no Council action required on this item.

Introduce Ordinance Amending Lodi Municipal Code Chapter 5.12 - Cardrooms - by Repealing and Re-enacting Section 5.12.140 (C), "Rules and Regulations" (CA)

City Attorney Magdich provided a presentation regarding the amendment to the cardroom ordinance. Specific topics of discussion included Council direction on August 6, 2014, to change the ordinance, attorney general approval of the City's request to increase the number of tables from 13 to 15 and cap the citywide total at 15 tables, and previous Council direction to allow the word "casino" in signage. Ms. Magdich reported that Wine Country Cardroom will come before the Planning Commission for approval on its Use Permit to increase its tables from 13 to 15.

In response to Council Member Johnson, Ms. Magdich explained that Wine Country Cardroom could not request a Use Permit to increase its number of tables until the ordinance was amended by Council.

Council Member Mounce stated that, despite her opposition to the use of the word "casino," she would support this request because Wine Country Cardroom has conducted business in a positive fashion.

Council Member Johnson made a motion, second by Mayor Pro Tempore Hansen, to introduce Ordinance No. 1900 amending Lodi Municipal Code Chapter 5.12 - Cardrooms - by Repealing and Re-enacting Section 5.12.140 (C), "Rules and Regulations."

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hansen, and Mayor Katzakian

Noes: None

Absent: Council Member Nakanishi

I-3 Adopt Resolutions (A) Authorizing City Manager to Execute a Fire and Emergency Medical Dispatching Services Agreement with the City of Stockton and (B) Approving the Elimination of Two Vacant and Funded Dispatcher/Jailer Positions in the Police Department (FD/CM)

Fire Chief Larry Rooney provided a presentation regarding the fire and emergency medical dispatching services agreement with the City of Stockton. Specific topics of discussion included history of fire dispatching in the City of Lodi; the City of Stockton's recommendation to form a San Joaquin regional fire dispatch system; Lodi's cost over the next few years to contract with Stockton; the four communities currently contemplating joining Stockton in a regional system, which include Tracy, Lathrop, Manteca, and Lodi; reasons for moving fire dispatch to Stockton; and funding to come from two currently open dispatch positions.

In response to Mayor Pro Tempore Hansen, Chief Rooney explained that staff recommendation is to move fire dispatch to Stockton in the interim until a regional dispatch service can be formed. In further response, Chief Rooney stated the regional system would be similar to a joint powers agreement (JPA) and would give Lodi a partnership and vote on issues affecting fire dispatch. Mayor Pro Tempore Hansen stated he would support the request but expressed some reservations based on difficulties that can arise in the formation and continuation of a JPA.

Chief Rooney stated that staff will perform a thorough review of the JPA, how it will tie into training and response, and whether any grant funding may be available.

Council Member Johnson stated that a regional center is an excellent concept; however, he expressed concern that Stockton has a history of dramatically raising its costs and the current prices quoted from Stockton jump from \$35 per call to \$45 per call in one year, with no numbers beyond that time. He believed it was premature to buy into this concept now and that further information, including costs and number of participants, was necessary before moving fire dispatch to Stockton. Chief Rooney responded that \$35 per call is less than what it currently costs the City, moving dispatch to Stockton will better align the City with San Joaquin County

Emergency Management Systems (EMS) protocols, and the fire department will see a reduction in calls as Stockton dispatch will have the ability to send out a more appropriate response to certain calls. The dispatch agreement with Stockton is for the next year and a half, the City would not give up any of its equipment, the agreement would most likely represent a cost savings to the City, and the agreement is not binding, which would allow either party to terminate. Chief Rooney felt confident that a JPA for regional fire dispatch will be reached.

In response to Council Member Johnson, City Manager Schwabauer stated that the City may opt at any time to bring dispatch back to the City for any reason. He further explained that, when the City previously brought fire dispatch back in-house from Stockton, it was not because of the cost; rather, it was in response to a lawsuit by San Joaquin County EMS that left Lodi no choice but to take back the service. Mr. Schwabauer further explained that dispatch positions have gradually reduced from 24 to 19 authorized positions with 2 vacancies remaining. Moving fire dispatch to Stockton will relieve pressure on the police dispatchers to focus on police calls and jailor duties and will provide a higher level of service to the community.

Chief Rooney described some of the other benefits of moving fire dispatch to Stockton, including alignment with San Joaquin County EMS protocols, savings due to reduction in responding to minor calls, and enhanced service to the community in responding to more significant emergency calls.

In response to Council Member Mounce, Chief Rooney estimated a 15-month timeframe to complete the JPA. Ms. Mounce stated she would support the request based on the City's ability to provide higher quality of service and enhanced response time to the citizens of this community under this agreement and because the agreement is month-to-month and can be cancelled with 30-days' notice.

City Attorney Magdich stated that the City received support from San Joaquin County EMS to return fire dispatch back to Stockton, which was part of the previous lawsuit, and the City will not give up any of its rights that it earned in the settlement with the County.

In response to Mayor Pro Tempore Hansen, Chief Rooney stated that Stockton dispatch will provide quicker response times, cut down on back and forth calls to other responding agencies, and work smarter by sending response teams to appropriate calls by initially identifying if a call is for police, fire, or medical.

In response to Council Member Johnson, Chief Rooney stated that the City of Tracy is currently exploring the option of joining the JPA and Lodi would probably not proceed if Tracy decides not to participate. For most of the other agencies, this would represent a cost increase, but for Lodi it would be cost neutral and quite possibly a cost reduction. Council Member Johnson stated he would prefer the City postpone this decision until the City of Stockton has firm details on costs.

Council Member Mounce made a motion, second by Mayor Pro Tempore Hansen, to adopt Resolution No. 2014-197 authorizing the City Manager to execute a Fire and Emergency Medical Dispatching Services Agreement with the City of Stockton and Resolution No. 2014-198 approving the elimination of two vacant and funded Dispatcher/Jailor positions in the Police Department.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Mounce, Mayor Pro Tempore Hansen, and Mayor Katzakian

Noes: Council Member Johnson

Absent: Council Member Nakanishi

I-4 Adopt Resolution Approving the Classification and Salary Range for the Positions of Electrical Engineering Technician, Senior Electrical Engineering Technician, and Substation/Metering Supervisor and Approving the Reclassification of Two Electrical Drafting Technicians to Electrical Engineering Technicians and One Senior Electrical Technician to Substation/Metering Supervisor (CM)

Human Resources Manager Adele Post provided a presentation regarding various positions in the Electric Utility Department, stating that some employees have had increasing job responsibilities and those positions need to be upgraded, while some currently vacant positions are recommended to be downgraded. Overall, once all of the positions are filled, there will be a savings of approximately \$4,800 annually. Costs for some of these changes were previously approved in the budget, and there will be no increase to the allocated positions.

In response to John Slaughterback, City Manager Schwabauer explained that this action will not add new positions, but will instead change names of and certification requirements for some positions that would allow a lower salary to be paid, therefore, resulting in a cost savings.

Mayor Pro Tempore Hansen made a motion, second by Council Member Mounce, to adopt Resolution No. 2014-199 approving the classification and salary range for the positions of Electrical Engineering Technician, Senior Electrical Engineering Technician, and Substation/Metering Supervisor and approving the reclassification of two Electrical Drafting Technicians to Electrical Engineering Technicians and one Senior Electrical Technician to Substation/Metering Supervisor.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hansen, and Mayor Katzakian

Noes: None

Absent: Council Member Nakanishi

I-5 Adopt Resolution Approving the Reclassification of Two Accounting Clerks to the Position of Finance Technician (CM)

Human Resources Manager Adele Post provided a presentation regarding the reclassification of two Accounting Clerks to the position of Finance Technician, stating that the action would be retroactive to August 4, which is the date staff was requested to study these positions. It was determined that both individuals were performing duties at a higher level, and had been doing so since 2011, and union representatives have expressed support for these reclassifications.

City Manager Schwabauer added that there will be an increase in salary for these reclassifications; however, the City will realize a savings with the elimination of the senior position, whose duties are now being handled by these two individuals.

In response to Council Member Mounce, Deputy City Manager Jordan Ayers stated that the increase equates to approximately \$9,000 per year.

John Slaughterback expressed opposition to the reclassification and salary increase based on the impact it will have on the California Public Employees Retirement System (CalPERS) crisis and that the pay will be retroactive. In response, Mr. Schwabauer stated that the pay will not be retroactive to the date those individuals assumed the extra duties; rather, it will go back to the date that staff was requested to review the positions as it takes some time to conduct a thorough study. He further stated that currently the City has \$8 million in the general fund reserve and budget projections show that the City will continue to maintain its 16 percent reserve level. CalPERS continues to be a problem; however, staff believes the City will be able to pay for that commitment without hitting reserves as long as the City realizes at least 3 percent in growth as anticipated in the budget assumptions. If that does not happen, adjustments will be necessary, including renegotiating employee contracts.

Council Member Mounce made a motion, second by Mayor Katzakian, to adopt Resolution No. 2014-200 approving the reclassification of two Accounting Clerks to the position of Finance Technician.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hansen, and Mayor Katzakian

Noes: None

Absent: Council Member Nakanishi

J. Ordinances

J-1 Adopt Ordinance No. 1898 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 8 - Health and Safety - by Adding Chapter 8.30, 'Regulation of Marijuana Cultivation,' Within the City of Lodi" (CLK)

David and Maria Hernandez expressed the need for stronger regulations to address those who smoke marijuana near residences or in parks and to give police the ability to cite people doing so.

In response to Ms. Hernandez, City Attorney Magdich stated that the ordinance addresses odor and prohibits all outdoor cultivation in the city. The ordinance allows indoor cultivation in residential areas only, and violations of the ordinance would be a misdemeanor. She further clarified that this ordinance addresses cultivating, not smoking. The police department can cite someone if they are cultivating marijuana indoors and the odor can be detected beyond the property line.

Mayor Pro Tempore Hansen stated there is a possibility there will be a ballot measure in 2016 regarding the legalization of marijuana for recreational use without a medical card. He agreed that the odor is a nuisance and stated he believed the City has taken a strong stance against the cultivation aspect of marijuana. He suggested staff look into ways to legally prohibit marijuana smoking within a certain radius of public buildings, to which Ms. Magdich responded she would research the matter.

In response to Mayor Katzakian, Police Chief Helms stated that medical marijuana prescriptions are equivalent to a doctor's note and the system is greatly abused.

Ms. Magdich stated that marijuana use is still a crime and that use of the product for medical reasons is a defense against a criminal charge for possession.

City Manager Schwabauer stated there are some samples that address outdoor smoking of all products and staff will look into the matter.

In response to Council Member Mounce, Chief Helms stated that police officers verify if someone has a medical card; however, those cards are easy to obtain.

Council Member Johnson stated that he has been undecided on this issue for the past year; however, he would not support the ordinance amendment because marijuana is still illegal.

Council Member Mounce made a motion, second by Mayor Pro Tempore Hansen, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1898 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Title 8 - Health and Safety - by Adding Chapter 8.30, 'Regulation of Marijuana Cultivation,' Within the City of Lodi," which was introduced at a regular meeting of the Lodi City Council held on October 1, 2014.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Mounce, Mayor Pro Tempore Hansen, and Mayor Katzakian

Noes: Council Member Johnson

Absent: Council Member Nakanishi

Adopt Ordinance No. 1899 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 15.20, 'Fire Code' by Adding Section 15.20.275, 'Electronic Records'" (CLK)

Council Member Mounce made a motion, second by Mayor Pro Tempore Hansen, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1899 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 15.20, 'Fire Code' by Adding Section 15.20.275, 'Electronic Records,'" which was introduced at a regular meeting of the Lodi City Council held October 1, 2014.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Mounce, Mayor Pro Tempore Hansen, and Mayor Katzakian

Noes: Council Member Johnson

Absent: Council Member Nakanishi

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:56 p.m.

ATTEST:

Jennifer M. Robison
City Clerk