

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
MONDAY, AUGUST 12, 2019**

A. Roll call

The Special City Council Town Hall meeting of August 12, 2019, was called to order by Mayor Chandler at 6:05 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, City Attorney Magdich, and City Clerk Ferraiolo

B. Topic

B-1 Presentations Regarding Efforts to Address Homelessness in Lodi

Police Chief Tod Patterson introduced the new Transient Liaison Officer (TLO) Dan Shiele and provided a PowerPoint presentation on behalf of the Lodi Police Department. Specific topics of discussion included transient/homeless statistics, transient-related calls for service, TLO and Transient Outreach Team accomplishments, and services provided by TLO.

In response to Council Member Mounce, Chief Patterson explained that certain pieces of legislation, voted on by the people, have pushed individuals out of jails and onto the streets and taken away enforcement options from police agencies, which is why it is much more difficult to arrest individuals and keep them in jail. City Manager Schwabauer used Assembly Bill (AB) 516 as an example of current legislation working its way through Sacramento that would make it illegal for the Police Department to tow vehicles with expired plates over six months or vehicles with homeless individuals living in them. If this bill passes, vehicles cannot be towed no matter how long they sit in front of a house. Council Member Mounce reported that AB516 is currently in the Senate and she encouraged the public to call their local senator and urge them to vote no on this bill. She added that Governor Brown released 12,500 criminals into San Joaquin County alone and there are no jails to hold them.

Mayor Chandler reported there is an effort underway to raise money to tag vehicles before this law potentially goes into effect. It is a public-private effort, and to date over \$2,000 has been raised. Mr. Schwabauer explained that most vehicles are towed by companies on the promise of receiving the value of the vehicle; however, motor homes lived in by the homeless have a negative value and it costs more to deconstruct them than they are worth. Because of this, towing companies will not take them, and the City pays \$1,000 per vehicle to tow them. If AB516 passes, the City can no longer tow these vehicles.

In response to Council Member Mounce, Mr. Schwabauer explained that the law does not allow room for incarceration of those with lower levels of crime such as drugs, trespassing, and theft of a value under \$1,000. Those individuals are pushed onto the street to take care of the overcrowding situation, and the District Attorney will often decline to prosecute these cases. He added there are challenges as a result of the City of Boise, Idaho case. Boise was prosecuting those trespassing in parks after hours, but the 9th Circuit Court, which also governs California, determined it was unconstitutional to site people for their presence on public property because it makes being homeless a crime and is cruel and unusual punishment. This lawsuit has taken away cities' ability to prosecute for trespassing on public property.

John Ledbetter provided a PowerPoint presentation on behalf of the Committee on Homelessness. Specific topics of discussion included collaboration, cooperation, partnerships,

and progress made by the Committee on Homelessness.

Jon Mendelson provided a PowerPoint presentation on behalf of the San Joaquin County Continuum of Care (CoC). Specific topics of discussion included 2019 sheltered/unsheltered population, and homeless population by City. Anyone interested in learning more about the CoC was encouraged to visit [www.sanjoaquincoc.org](http://www.sanjoaquincoc.org).

City Manager Steve Schwabauer provided a PowerPoint presentation on behalf of the City. Specific topics of discussion included why there are fewer homeless in Elk Grove and Galt; difficulties in enforcing the law; what Lodi has done historically; what Lodi has done recently; low bar/no bar shelter; and working forward on solutions.

Diane Cosentini, member of the public, suggested the money on the Tiny Homes project should instead be used for a campsite to house the homeless and that the City should look at other successful programs, such as Utah's "Housing First" program and Rhode Island's mandatory drug program, which have created a high success rate for those coming out of jail. She stated she believes the homeless should be housed first and then figure out which services they need. Further, she suggested the City purchase land next to the dump; utilize solar power for electricity; provide restrooms, tank-less water heaters, a storage area, and phone charging stations; and bring services to the campsite.

Mayor Pro Tempore Kuehne stated he toured many cities and facilities, researching homeless programs, including New York City's DOE Program and Salt Lake City's facility, some of which were successful and some not. The Mayor of Salt Lake City informed him that the City spends \$2 million a year on the project and has not seen success from the program. Lodi is looking at a shelter concept or housing for a larger number of individuals, and there will be another application round for Homeless Emergency Aid Program grant funding. The Tiny House Project was the first step in a multi-pronged approach toward resolving this issue.

Bob Kenwood, member of the public, complained that the homeless are approaching tables at restaurants in the downtown area asking for money and stated this looks bad to out-of-town visitors and it should be stopped.

Council Member Mounce stated the new downtown bicycle officer should help with this issue. Chief Patterson added that Lodi has an aggressive solicitation ordinance and those individuals can be arrested.

Michele Domingo, member of the public, thanked Amanda Lee and her Sally Goose blog for being active in this cause, as well as Mark Armstrong with Take Back Lodi and the Police Chief. She encouraged everyone to vote no on AB516 because it would take away the ability of law enforcement to remove vehicles and trailers parked in front of homes.

Amanda Lee, member of the public, stated the City has been greatly involved in trying to assist with the homeless and jurisdictional situation near her property and she is thankful that Caltrans is now getting involved. The homeless were making criminal threats to neighbors, vandalizing properties, leaving human waste on properties and in the river, creating blight, and parking RVs in front of homes. She stated she does not want to criminalize homelessness; instead, she wants help for these people, but it becomes more difficult when they start breaking into homes and businesses. She stated Senate Bill 1045, which expands the conservatorship law to include substance abuse, went into effect January 1, 2019, for larger counties and suggested Lodi should consider passing something similar on a local level. She concluded by saying voters will remember how this situation was handled and will vote accordingly at the next election.

Gary Wiman, member of the public and downtown business owner, stated he believes there is a disconnect between what the City and the Committee on Homelessness are doing because it is not the homeless causing problems; it is the drug addicted transients who are vandalizing businesses and causing problems. He stated there are laws currently on the books that should be utilized to address these problems relating to pet and bicycle licensing and recycling. He suggested those caught with unlicensed dogs or bikes should have those items confiscated, just

as a vehicle would be confiscated from someone stopped for driving under the influence. He stated Lodi needs to communicate that this community is not the place for those who break laws and they will find someplace else to go.

Carmel Long, member of the public and business owner, stated her business is negatively effected by the homeless on a regular basis and she has contacted the Police Department many times. One of her employees is homeless because he cannot afford to live in Lodi because average prices are just too high. She asked what the City is doing for businesses who are paying taxes and generating revenue for the City. To date, she has spent thousands of dollars on security cameras and alarms to handle break-ins and vandalism because the Police Department is stretched too thin. She stated it appears the homeless are being bused into Lodi from other cities and suggested a Police Officer be stationed at the bus station and anyone without a Lodi driver's license be turned away.

Mayor Pro Tempore Kuehne stated his information shows most of the homeless in town are from Lodi or have family in Lodi.

Mr. Schwabauer stated statistics do not support the rumor that homeless are being bused into Lodi and, in his conversations with other city managers, cities confirmed they are not doing that.

Mr. Mendelson stated that, based on his experience working with shelters in the county, it is not the policy of San Joaquin County to bus homeless to other communities. It is more likely that hospitals or other institutions are discharging individuals at their doorstep rather than shipping them elsewhere. Additionally, the County has a "return to home" program in which, if it can be confirmed that homeless individuals have family members willing to take them, and transportation is provided. He is not aware, however, of busing or transferring homeless between cities.

Mr. Schwabauer confirmed that Lodi also has a "return to home" program.

Chief Patterson stated he received feedback that a lot of homeless are from out of town, but he is unsure how they get to Lodi.

Alvin Costa, member of the public and business owner, stated the homeless burned down his business two years, which almost put him out of business, and they continue to break in and vandalize his property, which has cost him thousands of dollars. He stated he does not want a shelter near his business because he is already dealing with homeless issues on a regular basis and expressed frustration that nothing happens to these individuals when they are caught.

Dixie Mathews, member of the public and business owner on the east side of town, expressed frustration that the homeless discard needles on the property, with the constant calls to police and Caltrans, and the thousands of dollars spent on surveillance equipment to protect the business. Many people handle these issues on their own and do not call the Police Department because nothing happens or the police are stretched too thin.

Spencer Rhoads, member of the public, stated he agrees that many of these problems stem from State laws and regulations that effect what local agencies can and cannot do. He stated that as citizens it is their responsibility to contact State representatives about these bills and to vote for those who want to expand jails so local laws can be enforced and individuals committing crimes will be incarcerated. Many of the troubled homeless will not voluntarily go into programs; they have to be forced into it. He expressed frustration with the lack of information on the City's website about the Committee on Homelessness, stating there is no meeting information, agendas, or minutes posted for the public's view. Many would like to get involved, but there is no information readily available. He suggested moving the Committee under City control so it is more transparent, easily accessible to the public, and streamed live so people can view from home and changing the meeting time to early evening since most people work during the day.

Council Member Mounce stated that Manhattan Beach has a homeless webpage with information, resources, efforts made, future plans, and an explanation of State law all in one place and she suggested Lodi do the same.

Scott Tonn, member of the public and downtown business owner, shared his experiences with the homeless that effect his business and customers on a daily basis, stating the City must do something to help businesses that are investing in Lodi. He stated it is sad that 140 individuals out of a population of over 65,000 are ruining the community for everyone else and suggested Lodi look at other cities' successful programs, such as ambassadors at parks and relocation consultants, to figure out where to go from here.

Council Member Johnson stated he serves on the San Joaquin Regional Rail Commission Joint Powers Association, which manages Amtrak, and he will raise the concern about the homeless being bused from other communities and report back.

Mr. Schwabauer stated Lodi's relocation expert is the TLO, adding the number of TLOs will increase to 2.5 in the near future.

Jim Casey, member of the public, stated he travels quite often and sees how other communities are handling the transient issue, adding that the ones the public are objecting to are those with a criminal element. He suggested the City needs to communicate with communities that have successful programs, such as Redding with its chronic offender program, Chico with its ordinance prohibiting blocking of doorways and public use areas, and Turlock with its success in keeping shopping carts out of parks.

Jeanette Neuburger, member of the public and former business owner, questioned where the mental health organizations are in this equation to help those who choose to self medicate and suffer from other issues. She stated a homeless individual camped out on her porch for four hours who was looking for a plug to charge his phone and proceeded to preach. He obviously had mental issues, and she stressed the need to help these individuals.

Mr. Mendelson confirmed that behavior and county health services are involved with the CoC.

Brittanie Johnson, member of the public, stressed that to come up with an answer to this problem, it is first necessary to research the root cause of the problem. She suggested leaders look at cities without a homeless problem to ascertain what they are doing correctly because somehow they are able to obtain success despite Sacramento's regulations.

Council Member Johnson questioned why Lodi is the only city in the county to participate in funding the County's homeless outreach coordinator, adding that it seems as if Stockton is moving forward in its own direction instead of coordinating with the entire county.

Mr. Schwabauer responded that Lodi's funding is proportionate to its population. Further, he stated that Stockton is looking into funding a countywide homeless master plan and all of the cities within the county are contributing. This is the beginning of a coordinated effort with cooperation among all of the parties. With regard to the comments made by Mr. Wiman, Council Member Johnson suggested doing saturation events through the Police Department to address dogs off leash, bicycles, shopping carts, etc. It may stop these activities for only a short time, but it could make a dent in the problem.

Mayor Pro Tempore Kuehne stated he too is aware of the problem facing businesses as he owns a business on the east side of town and experiences the same frustrations. He stated he will research cities without homeless problems and report back. He further stated there are things a municipality can do; however, there is only so much bandwidth City staff and the police force can handle. All of the ideas presented are looked into and prioritized. The homeless issue has always been a problem, and while things are being done, there will likely be no complete end to it. He agreed there is a lack of mental health facilities and he would love to spend money on a facility, but the City does not have the resources to take this on. He summarized that his philosophy is to help the ones that want help and make it miserable for those who do not. He worked with the Chief and the TLOs to create a rolling "top five" list of individuals who create the most disturbances in town and they are developing an aggressive approach to deal with them. He will continue to work on this issue and come up with additional ideas to bring forward.

Council Member Mounce stated she is frustrated about hearing what the City can and cannot do on this issue. She is aware that Sacramento continues to tie the hands of local agencies and she is fighting to ensure that changes; however, there are cities that are able to see success. Some cities have more resources than Lodi, such as San Diego that has an overlapping city and county, as well as a housing authority, but other communities have come up with great plans, such as Manhattan Beach. She stated she believes this is not a homeless issue; but drug addicts terrorizing neighborhoods. Council Member Mounce stated she spoke to the City Attorney about adding strength to a number of ordinances and giving the Police Department more tools to arrest individuals, but the Police Department is stretched thin. She stated the City needs to make it uncomfortable for the homeless to lie down and suggested placing decorative, ornamental rock around the Civic Center, taking out the benches, lighting the area at night, running the sprinklers, and playing opera music throughout the night. She further suggested the City enforce the laws and cite for every violation. Lastly, she announced there will be a ballot initiative in 2020 brought forward by the grocers association that would roll back the effects of Proposition 47 and AB109 to make certain offenses criminal once again and get violators back in jail.

Council Member Nakanishi thanked everyone for coming to the meeting, adding the City spent a lot of time and effort working on this since 2014. He too urged citizens to contact their legislators to encourage them not to support legislation that makes it more difficult for local entities to enforce laws and address the homelessness situation. He also encouraged the public to present their ideas to the Committee on Homelessness so they can be vetted and brought to Council for action.

Mark Armstrong with Take Back Lodi stated the group volunteers pick up a lot of homeless items that the City will not and added that doing the same thing over and over again does not work.

An unidentified member of the public asked from the audience what the City wants from the public. In response, Mayor Chandler encouraged the public to keep coming forward with ideas and suggestions, to contact their State legislators, and to become involved, just as Amanda Lee did. She was extremely frustrated with the situation, but Ms. Lee educated herself on the issues by getting involved with the Committee on Homelessness and learning about the challenges facing municipalities due to State regulations. He added the City needs to continue to enforce its laws, look for additional resources to help the Police Department, and utilize public-private resources to aid in this effort. He further agreed with the comments made tonight that better transparency is needed regarding the Committee on Homelessness, that the root cause of this problem needs to be determined, and that cities with successful programs need to be researched.

C. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:41 p.m.

ATTEST:

Jennifer M. Ferraiolo  
City Clerk