

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JULY 17, 2019**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of July 17, 2019, was called to order by Mayor Chandler at 6:03 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

NOTE: Council Member Nakanishi arrived at 6:15 p.m.

C-2 Announcement of Closed Session

- a) Conference with Adele Post, Human Resources Manager, and Andrew Keys, Deputy City Manager (Labor Negotiators), Regarding Lodi City Mid-Management Association, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, Lodi Professional Firefighters, International Brotherhood of Electrical Workers, Executive Management, and Council Appointee (City Manager) Pursuant to Government Code §54957.6 and §54957 (CM)
- b) Conference with Legal Counsel – Anticipated Litigation: Significant Exposure to Litigation Pursuant to Government Code Sections 54956.9(d)(2) and 54956.9(e)(1); One Case; Shall Not be Disclosed Due to Facts and Circumstances Not Yet Known to Potential Plaintiffs (CA)

C-3 Adjourn to Closed Session

At 6:03 p.m., Mayor Chandler adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 7:04 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:12 p.m., Mayor Chandler reconvened the City Council meeting, and City Attorney Magdich disclosed the following actions.

Item C-2a) was discussion and direction given with no reportable action.

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

A. Call to Order / Roll Call

The Regular City Council meeting of July 17, 2019, was called to order by Mayor Chandler at 7:12 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. Presentations

B-1 American Legion Centennial Proclamation (CLK)

Mayor Chandler presented a proclamation to Randy Bender with American Legion Post 22 in celebration of the American Legion's centennial anniversary. The public was invited to attend the Legion's community event on Sunday, August 4, 2019, which will be a day-long celebration that will include a band, food, and memorabilia displays, as well as a time to remember those who served during World War II.

B-2 National Night Out Proclamation (PD)

Mayor Chandler presented a proclamation to Partners Supervisor Chuck Fromm and Lodi Police Partners Kathy Robertson and Frank Giuliani proclaiming August 6, 2019, as National Night Out in Lodi.

Council Member Mounce expressed her support for the National Night Out event and stressed the importance of Neighborhood Watch; however, she stated that due to her current mobility issues she would be unable to participate in this year's event. She requested that if any groups request her presence directly she will secure transportation to the requested location.

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

Council Member Mounce made a motion, second by Mayor Pro Tempore Kuehne, 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 for May 24, 2019 through June 21, 2019 in the Amount of \$6,869,146.94 (FIN)

Claims were approved in the amount of \$6,869,146.94.

C-2 Approve Minutes (CLK)

The minutes of June 11, 2019 (Shirtsleeve Session), June 18, 2019 (Shirtsleeve Session), June 19, 2019 (Regular Meeting), June 25, 2019 (Shirtsleeve Session), July 2, 2019 (Shirtsleeve Session), July 3, 2019 (Regular Meeting), July 9, 2019 (Special Meeting), and July 9, 2019 (Shirtsleeve Session) were approved as written.

C-3 Adopt Resolution Authorizing Purchase of DJI M210 Unmanned Aircraft Systems from Flymotion Unmanned Systems for Use by Police Department and Appropriate Funds (\$31,881) (PD)

Adopted Resolution No. 2019-121 authorizing the purchase of DJI M210 Unmanned Aircraft Systems from Flymotion Unmanned Systems for use by Police Department and appropriating funds, in the amount of \$31,881.

C-4 Adopt Resolution Authorizing Vehicle Replacement Purchase (05-097) and Appropriating Funds (\$54,774.12) (PD)

Adopted Resolution No. 2019-122 authorizing vehicle replacement purchase (05-097) and appropriating funds, in the amount of \$54,774.12.

C-5 Adopt Resolution Authorizing Vehicle Replacement Purchase (05-028) and Appropriating Funds (\$54,774.12) (PD)

Adopted Resolution No. 2019-123 authorizing vehicle replacement purchase (05-028) and appropriating funds, in the amount of \$54,774.12.

C-6 Adopt Resolution Approving Purchase of Palo Alto Networks Firewalls from CDW-G, of Vernon Hills, Illinois (\$49,624.60) (CM)

Adopted Resolution No. 2019-124 approving the purchase of Palo Alto Networks Firewalls from CDW-G, of Vernon Hills, Illinois, in the amount of \$49,624.60.

C-7 Adopt Resolution Authorizing City Manager to Execute Five-Year Contract with Axon Enterprise, Inc., for Body Camera and TASER Subscription, Maintenance, and Licensing; and Appropriate Funds (\$702,634) (PD)

Adopted Resolution No. 2019-125 authorizing the City Manager to execute a five-year contract with Axon Enterprise, Inc., for body camera and TASER subscription, maintenance, and licensing; and appropriating funds, in the amount of \$702,634.

C-8 Adopt Resolution Awarding Contract for McLane Substation Upgrade Project to Wilson Utility Construction Company, of Canby, Oregon (\$1,605,836); Authorizing City Manager to Execute Change Orders (\$194,164); and Appropriating Funds (\$400,000) (EU)

Adopted Resolution No. 2019-126 awarding the contract for McLane Substation Upgrade Project to Wilson Utility Construction Company, of Canby, Oregon, in the amount of \$1,605,836; authorizing the City Manager to execute change orders, in an amount not to exceed \$194,164; and appropriating funds, in the amount of \$400,000.

C-9 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Patice Green dba Roadside Concepts, of Livermore, for Hutchins Street Square Programming, Marketing, and Sponsor Solicitation (\$40,800) (PRCS)

Adopted Resolution No. 2019-127 authorizing the City Manager to execute a Professional Services Agreement with Patice Green dba Roadside Concepts, of Livermore, for Hutchins Street Square programming, marketing, and sponsor solicitation, in the amount of \$40,800.

C-10 Adopt Resolution Authorizing City Manager to Execute Amendment No. 4 to Contract with Cintas Corporation No. 3, of Stockton, for Rental and Cleaning of Uniforms for Certain Field and Warehouse Employees (\$80,000) (PW)

Adopted Resolution No. 2019-128 authorizing the City Manager to execute Amendment No. 4 to the contract with Cintas Corporation No. 3, of Stockton, for rental and cleaning of uniforms for certain field and warehouse employees, in the amount of \$80,000.

C-11 Accept Improvements Under Contract for Police Station Sanitary Sewer Lift Station Improvements (PW)

Accepted improvements under the contract for Police Station Sanitary Sewer Lift Station Improvements.

C-12 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement for Vending and Supply-Chain Automation Services with Elite Supply Source, Inc., of Sacramento (\$120,000) and Third Party Waiver with UniFi Equipment Finance, Inc., of Ann Arbor, Michigan (EU)

Adopted Resolution No. 2019-129 authorizing the City Manager to execute a Professional Services Agreement for vending and supply-chain automation services with Elite Supply Source,

Inc., of Sacramento, in the amount of \$120,000, and a Third Party Waiver with UniFi Equipment Finance, Inc., of Ann Arbor, Michigan.

C-13 Adopt Resolution Ratifying Employment Agreement Entered into Between City Manager Stephen Schwabauer and Electric Utility Director Jeffrey D. Berkheimer (CM)

This item was removed from the Consent Calendar at the request of Council Member Mounce for the purpose of expressing her reasons for not supporting the recommendation.

In response to Council Member Mounce, City Manager Schwabauer introduced Jeffrey Berkheimer and provided background on his education and experience that qualifies him for the position of Electric Utility Director.

Mayor Chandler echoed the City Manager's comments, stating Mr. Berkheimer comes to Lodi as a highly-qualified individual who will help move the Electric Utility Department forward.

Council Member Mounce welcomed Mr. Berkheimer to the City of Lodi, but stated she could not support the employment contract because it includes a six-month severance clause. She stated she has never supported contracts with that clause, adding that industry standard is three months, not six, which she could support.

Mayor Chandler made a motion, second by Mayor Pro Tempore Kuehne, to adopt Resolution No. 2019-141 ratifying employment agreement entered into between City Manager Stephen Schwabauer and Electric Utility Director Jeffrey D. Berkheimer.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Mounce

Absent: None

C-14 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Sierra Geotech, of Rocklin, for Construction Testing and Inspection Services for Lockeford Street Improvement Project (\$50,000) (PW)

Adopted Resolution No. 2019-130 authorizing the City Manager to execute a Professional Services Agreement with Sierra Geotech, of Rocklin, for construction testing and inspection services for Lockeford Street Improvement Project, in the amount of \$50,000.

C-15 Adopt Resolution Authorizing City Manager to Waive Bid Process and Execute Professional Services Agreement with Garland/DBS, Inc., of Cleveland, Ohio, for White Slough Water Pollution Control Facility Secondary Control Room Roof Replacement Project (\$39,584), Utilizing U.S. Communities Contract No. 14-5903 (PW)

Adopted Resolution No. 2019-131 authorizing the City Manager to waive bid process and execute a Professional Services Agreement with Garland/DBS, Inc., of Cleveland, Ohio, for White Slough Water Pollution Control Facility Secondary Control Room Roof Replacement Project, in the amount of \$39,584, utilizing U.S. Communities Contract No. 14-5903.

C-16 Adopt Resolution Authorizing City Manager to Execute Amendment No. 2 to Professional Services Agreement with Communications Strategies, of Sebastopol, for Project Oversight and Management Support of Phone and Communication Platform Deployment (\$45,622.50) (CM)

Adopted Resolution No. 2019-132 authorizing the City Manager to execute Amendment No. 2 to Professional Services Agreement with Communications Strategies, of Sebastopol, for project oversight and management support of phone and communication platform deployment, in the amount of \$45,622.50.

C-17 Adopt Resolution Authorizing City Manager to Execute Improvement Deferral Agreement for 927 Industrial Way (PW)

Adopted Resolution No. 2019-133 authorizing the City Manager to execute an Improvement Deferral Agreement for 927 Industrial Way.

C-18 Adopt Resolution Approving Final Map and Authorizing City Manager to Execute Improvement Agreement for Vineyard Terrace Subdivision, Unit No. 1, Tract No. 3986 (PW)

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

In response to Mayor Pro Tempore Kuehne, Public Works Director Charlie Swimley confirmed that Century Boulevard will have the same curb-to-curb width as to the east and there will be parking on both sides of the street.

Council Member Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2019-142 approving Final Map and authorizing the City Manager to execute an Improvement Agreement for Vineyard Terrace Subdivision, Unit No. 1, Tract No. 3986.

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-19 Adopt Resolution Authorizing City Manager to Execute Amended Joint Powers Agreement with California Transit Indemnity Pool (PW)

Adopted Resolution No. 2019-134 authorizing the City Manager to execute Amended Joint Powers Agreement with California Transit Indemnity Pool.

C-20 Adopt Resolution Authorizing City Manager to Execute Three-Year Agreement Plus Two One-Year Options with Kronos, Inc., of Lowell, Massachusetts, for Cloud-Based Time Management and Scheduling Software (Not to Exceed \$51,280) (FD)

Adopted Resolution No. 2019-135 authorizing the City Manager to execute a three-year agreement plus two one-year options with Kronos, Inc., of Lowell, Massachusetts, for cloud-based time management and scheduling software, in an amount not to exceed \$51,280.

C-21 Adopt Resolution Authorizing City Manager to File Claim for Fiscal Year 2018/19 Transportation Development Act Funds from Local Transportation Fund (\$3,236,326) and State Transit Assistance Fund (\$26,863) (PW)

Adopted Resolution No. 2019-136 authorizing the City Manager to file claim for Fiscal Year 2018/19 Transportation Development Act Funds from Local Transportation Fund, in the amount of \$3,236,326, and State Transit Assistance Fund, in the amount of \$26,863.

C-22 Adopt Resolution Authorizing Police Chief to Accept Grant and Execute Contract Administered by Department of Alcoholic Beverage Control and Appropriate Funds (\$41,601) (PD)

Adopted Resolution No. 2019-137 authorizing the Police Chief to accept grant and execute contract administered by the Department of Alcoholic Beverage Control and appropriating funds, in the amount of \$41,601.

C-23 Receive Report Regarding Communication Pertaining to San Joaquin Regional Rail Commission's Fiscal Year 2019 BUILD Grant Application for Stockton Diamond Grade Separation (CLK)

This item was removed from the Consent Calendar by Mayor Pro Tempore Kuehne and a member of the public for discussion purposes.

Mayor Pro Tempore Kuehne expressed support for this grant application and project, stating the area in question has no grade separation and is the busiest rail configuration in the State of California. The Diamond Grade Separation will be the second such grade separation in the State; it will allow for greater freight and goods movement; the ACE train will utilize it, creating more trips to San Jose; and it will aid with the upcoming commuter rail project. This project, which is located in a disadvantaged neighborhood, will significantly alleviate congestion.

Council Member Johnson, who serves on the San Joaquin Regional Rail Commission, added the project will speed up traffic in this area considerably by reducing wait times at grade crossings and will increase the ability for the ACE train to get over the Altamont.

Mike Lusk, member of the public, stated he was unfamiliar with this project and location and asked for details. City Manager Schwabauer stated this project is in downtown Stockton and is a rail grade to rail grade separation, not vehicle to vehicle. It is an intersection of two railroad tracks that will be separated from one another so traffic is not stopped during a train conflict. Mayor Pro Tempore Kuehne added this is for freight and commuter rail, it is a significantly large project, and the hope is to get a TIGER grant to pay for the project.

Council Member Johnson made a motion, second by Council Member Mounce, to receive the report regarding communication pertaining to San Joaquin Regional Rail Commission's Fiscal Year 2019 BUILD grant application for Stockton Diamond Grade Separation.

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-24 Appoint Richard Seim and Pam Williams to Library Board of Trustees and Robert N. Anderson to Lodi Senior Citizens Commission (CLK)

Appointed Richard Seim and Pam Williams to the Library Board of Trustees and Robert N. Anderson to the Lodi Senior Citizens Commission.

C-25 Accept Monthly Protocol Account Report Through June 30, 2019 (CLK)

Accepted the monthly Protocol Account Report through June 30, 2019.

C-26 Adopt Resolution Approving Revised Lodi Electric Utility Greenhouse Gas Free Allowance Proceeds Spending Plan (EU)

Adopted Resolution No. 2019-138 approving revised Lodi Electric Utility Greenhouse Gas Free Allowance Proceeds Spending Plan.

C-27 Adopt Resolutions Approving Applications for Statewide Park Development and Community Revitalization Program Grant Funds for Hale Park Community Heritage Project and Blakely Park Aquatics Expansion Project (PRCS)

Adopted Resolution No. 2019-139 and Resolution No. 2019-140 approving applications for Statewide Park Development and Community Revitalization Program Grant Funds for Hale Park Community Heritage Project and Blakely Park Aquatics Expansion Project, respectively.

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.

Vincent Sayles, member of the public, expressed concern about the content being taught to young school children in human development classes in the Lodi Unified School District.

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

Council Member Nakanishi stated this year's Fourth of July weekend seemed quieter than years past and questioned how much the fence around Lodi Lake cost, as well as the fireworks show. Parks, Recreation and Cultural Services Director Jeff Hood responded that the fireworks show cost \$16,000, same amount as previous years; however, this year's vendor launched more product and provided extra features as part of the show, which generated positive feedback from the community. The fencing around the lake was \$7,300. Funding for the fireworks event comes from the economic development budget, and \$16,000 is set aside for the show. Complete payment for the fireworks show crosses into two fiscal years: one is the deposit prior to the close of one fiscal year and the second is the final payment, which occurs in the following fiscal year. He stated staff's plan is to bring forward a multi-year option contract with the new vendor so Council can decide whether or not to continue funding the show. In further response, City Manager Schwabauer stated he asked for the cost of the Fireworks Task Force but has not received the figures yet.

Mayor Chandler agreed this year's fireworks show was great; however, the problem is public safety coverage in the neighborhoods near Lodi Lake because people park on lawns, block traffic, and hold parties in the streets. There needs to be a solution for the enforcement problem in areas surrounding the lake.

Council Member Mounce stated that Fourth of July was just as bad as it always is on the east side with people shooting illegal fireworks for four days before and four days after the holiday and lack of police manpower to catch individuals doing so. Her preference would be to outlaw fireworks in Lodi. Council Member Mounce reported on her participation in the League of California Cities summer recess legislative briefing webinar, during which League representatives provided updates on bills that are working their way through legislation. Some of the more problematic bills include Senate Bill 516 that would prevent local law enforcement from handling vehicles with expired license plates or parking longer than the time limit, as well as SB 266 regarding pensions that would allow retirees to ask that full pensions be paid up front, which the City would have to pay. These dangerous pieces of legislation prevent cities from delivering services to residents and providing clean and safe streets, and she encouraged citizens to contact their legislators to ask that they oppose these bills. With regard to the homeless, she stated legislation has made it so the homeless can be anywhere they want and can sleep on park benches and sidewalks, which has virtually tied the hands of local jurisdictions in how to address the homeless. She further expressed frustration with comments on Facebook criticizing lack of City action on the homelessness issue and stated the State has made it almost impossible for local law enforcement to catch individuals doing drugs, damaging property, leaving behind human waste and garbage, and other types of crimes. Local entities must deal with property and jurisdictional rights, post properties with notices before hauling away items, and store items for 30 days to allow individuals to claim their property. Recently, the 9th Circuit Court ruled that individuals can be in parks after hours, where they destroy property and perform illegal activities. Council Member Mounce pointed out the City has no jurisdictional or regulatory rights over methadone clinics and suggested the City find a way to partner with the local clinic to provide safe drop-offs for needles. She stated the County is responsible for providing continuum of care,

adding that the Board of Supervisors recently stated at a meeting that it will eliminate the homeless Veteran problem in five years, which seems unlikely to her. She suggested Council hold a meeting to come up with ideas and suggestions to address the homelessness solution by utilizing resources at hand. Lastly, Council Member Mounce requested the City appoint a staff member to create a Facebook page regarding the homelessness that changes the narrative by communicating with people about the laws the City is forced to follow and what it can and cannot do. She stated the State is not facing a housing crisis; rather, it is facing a drug addition and mental health crisis, which must be addressed.

Mayor Chandler stated he shares the same frustration, as do employees in many departments who are affected by this every day. There are a number of activities the City has engaged in, which will be explored further at the Lodi City Council Town Hall meeting on Monday, August 12, 2019. In summary, he described a number of funded activities including shelter programs, community liaison officer, relocation of over 100 homeless individuals, Committee on Homelessness, seeking funds to develop projects, and working with Take Back Lodi. Further, he stated the City can take some credit in getting Caltrans to focus on the Highway 99 area.

Council Member Mounce stated these efforts should be posted on a City Facebook page.

Council Member Nakanishi agreed with the comments and added the City has done a lot since 2014 to address the homelessness issue. In addition to the items mentioned by Mayor Chandler, he added that the City accepted the Committee on Homelessness's recommendations, Lodi was the first community to have such an organization which became the model within the County, it worked with the County to help form the Continuum of Care, and hosted multiple Town Hall meetings. He encouraged the public to attend the meeting on August 12. Further, he pointed out that it costs money to clean up streets and sidewalks after the homeless, and citizens should help pay. He stated it may be a wise idea to put this message out onto Facebook.

Council Member Johnson concurred with the statements regarding the decisions coming out of Sacramento and encouraged the public to think about the legislators they vote for and truly understand their philosophies and direction for the State because most of their decisions are killing California.

Council Member Mounce once again urged that Council schedule a meeting to discuss the possibility of a no- or low-barrier shelter, either covered or uncovered.

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

City Manager Schwabauer congratulated the Public Works Department for receiving two American Public Works Association awards: one for the success of the Harney Lane Grade Separation Project, and the other for the increased water storage at the White Slough Water Pollution Control Facility, both of which were grant-funded projects.

G. Public Hearings

G-1 Public Hearing to Consider Adopting Resolution Setting Pre-Approved Engineering News Record Adjustment Index for Wastewater Rates for Residential, Commercial, and Industrial Customers (PW)

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 setting pre-approved Engineering News Record adjustment index for wastewater rates for residential, commercial, and industrial customers.

Public Works Director Charlie Swimley provided a PowerPoint presentation regarding setting pre-approved wastewater rates. Specific topics of discussion included background, recommendation, five-year summary, comparative rates, rate comparison with other agencies, planned Capital projects, planned Capital projects at White Slough Water Pollution Control Facility (WSWPCF) and in town, Wastewater Operating balances, and recommended action. He pointed out there



was a Blue Sheet item amending the proposed resolution to correct the effective date to August 1, 2019 instead of July 1. Further, Mr. Swimley stated staff does not take rate increase recommendations for the wastewater division lightly and it put a lot of effort into planning the minimum amount of revenue increase necessary to maintain the Capital Improvement Program. WSWPCF needs constant attention and improvements, the proposed rate increase is consistent with the rate plan, and the recommendation avoids drastic rate increases by large amounts.

Mayor Pro Tempore Kuehne pointed out there were no rate increases the last two years and that the reserve levels are high in order to pay for the Capital Improvement Projects; however, he cannot support a 2.9 percent increase, although the City has to stay ahead of the curve with the mandates coming down from the State, because of the City's financial situation and healthy wastewater fund balance.

Council Member Mounce stated she does not typically support rate increases; however, she could support the increase if it were less than one dollar.

Mayor Chandler expressed his disappointment with Council because when the original proposal of a 3 percent increase was made, Council asked to lower it to 2.9 percent to keep the reserves at 50 percent. Council should keep its promise and support the increase of 2.9 percent as recommended by staff.

Mayor Chandler opened the public hearing for public comment.

Mike Lusk, member of the public, stated he is not against the rate increase because the City did not have one for the last two years and he understands the utility's need for the revenue. He questioned how much of the work at WSWPCF will be attributed to maintenance versus maintenance due to increased capacity due to new development. He questioned if the City was asking enough from the building industry to offset the cost of annual bond payments to pay for the plant. City Manager Schwabauer stated that all of the capital improvements referenced in the presentation do not increase the size of a pipe or the amount of water that can flow through WSWPCF, all of which fall under maintenance and operation of the existing facility. Improvements to current facilities are paid by existing rate payers. He further stated staff believes impact fees are being charged appropriately. Mr. Lusk added that if additional wire is needed for the storage pond project, new development should pay for it.

Mayor Pro Tempore Kuehne reiterated that if the rate increase were under one dollar, such as 2.5 percent, he would support the request.

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

Mayor Pro Tempore Kuehne made a motion, second by Council Member Mounce to adopt resolution setting pre-approved Engineering News Record Adjustment index for wastewater rates for residential, commercial, and industrial customers at 2.5 percent, effective August 1, 2019.

DISCUSSION:

Mayor Chandler reminded that staff considered 2.5 percent when this matter last came before Council and determined it was insufficient and Council compromised with a 2.9 percent increase. Council should keep its promise.

Council Member Johnson stated he would support the 2.9 percent request.

Council Member Nakanishi stated he sees both sides; however, he will follow the lead of the Mayor.

VOTE:

The above motion failed by the following vote:

Ayes: Council Member Mounce, Mayor Pro Tempore Kuehne

Noes: Council Member Johnson, Council Member Nakanishi, and Mayor Chandler

Absent: None

Mayor Chandler made a motion, second by Council Member Johnson,  
to adopt Resolution

No. 2019-143 setting pre-approved Engineering News Record adjustment index for wastewater rates for residential, commercial, and industrial customers at 2.9 percent, effective August 1, 2019.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Mounce, and Mayor Pro Tempore Kuehne

Absent: None

H. Regular Calendar

H-1 Adopt Resolution Approving Memorandum of Understanding between City of Lodi and Police Officers Association of Lodi for Period July 1, 2019 through June 30, 2022 (CM)

Human Resources Manager Adele Post provided a presentation regarding the Lodi Police Officers Association (LPOA) Memorandum of Understanding (MOU). Ms. Post reviewed the red-line version of the draft MOU, which includes the following points: three-year contract for period July 1, 2019 to June 30, 2022; cost of living adjustments of 4.3 percent effective July 15, 2019, 6 percent effective November 4, 2019, 3 percent in January 2020, 3 percent in July 2020, and 3 percent the following year; LPOA members picking up additional 6 percent of the City's normal cost to California Public Employees Retirement System, which will bring the total to 18 percent of the employer's contribution; education incentive change to pay upon hire; returning longevity incentive that was previously eliminated; and eliminating uniform allowance. She stated the Police Department is experiencing difficulty recruiting and retaining employees and is currently not fully staffed. The salary and benefit changes in this contract are necessary to attract and retain quality employees.

Deputy City Manager Andrew Keys added this contract has a total cost of \$2.5 million over three years and that vacancy savings, which have been significant the last three years, will be the first source for funding the increases, followed by money in reserves. Staff will return to Council for input prior to any use of reserves.

Council Member Johnson made a motion, second by Mayor Pro Tempore Kuehne, to adopt Resolution No. 2019-144 approving Memorandum of Understanding between City of Lodi and Police Officers Association of Lodi for period July 1, 2019 through June 30, 2022.

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-2 Adopt Resolution Approving Memorandum of Understanding between City of Lodi and Lodi Police Mid-Management Organization for Period July 1, 2019 through June 30, 2022 (CM)

Human Resources Manager Adele Post provided a presentation regarding the Lodi Police Mid-Management Organization Memorandum of Understanding (MOU). Ms. Post reviewed the red-line version of the draft MOU, which includes the following points: three-year contract for period July 1, 2019 to June 30, 2022; cost of living adjustments of 4.3 percent effective July 1, 2019, 6 percent on October 21, 2019, 4 percent in January 2020, 3 percent in July 2020, and 3 percent in July 2021; Police Mid-Management picking up additional 6 percent of the City's normal cost to

California Public Employees Retirement System, which will bring the total to 18 percent of the employer's contribution; longevity incentive; and addition of the increase to the healthcare premium that all of the other groups, except Police Mid-Management, took during the last round of negotiations. She added that the recruitment issues currently facing the Lodi Police Officers Association group will ultimately affect officers promoting into the Mid-Management group and retaining them, and the salary and benefit changes are necessary to provide compensation commensurate with the responsibilities of their jobs.

Deputy City Manager Andrew Keys reiterated his comments from the last item that the \$1.185 million cost of the three-year contract will primarily be funded with vacancy savings, followed by money in reserves, which will come back to Council for input prior to any use of reserves. The salary survey for this group demonstrated that the sergeant position in Lodi was the lowest paid of the survey cities and this increase will get the position to the mid-point of comparison agencies, not the top.

Council Member Nakanishi informed the public that this is not the first time Council has discussed these contracts; many hours were devoted in closed session to negotiate an agreement.

Council Member Johnson made a motion, second by Mayor Pro Tempore Kuehne, to adopt Resolution No. 2019-145 approving Memorandum of Understanding between City of Lodi and Lodi Police Mid-Management Organization for period July 1, 2019 through June 30, 2022.

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

RECESS

At 8:55 p.m., Mayor Chandler called for a recess, and the City Council meeting reconvened at 9:03 p.m.

H-3 Adopt Resolution Approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2017/18; Approving Loan Terms for Loan from Water Impact Mitigation Fee Fund to Fire Impact Mitigation Fee Fund; Approving Use of Proceeds from Sale from 705 East Lodi Avenue to Repay Interfund Loan from Water Impact Fee to Fire Impact Fee; Approving Waiving of Interest Accrued through June 30, 2015; and Introduce Ordinance Rescinding Section 15.64.030C of Lodi Municipal Code (CM)

Deputy City Manager Andrew Keys provided a PowerPoint presentation regarding the Impact Fee Program Annual Report and related actions. Specific topics of discussion included presentation of the annual report within six months of the fiscal report as required, followed by complaint by member of the public regarding potential deficiencies; research at staff level and with auditors with opinions to meet the guidelines of the code; revised report before Council for approval, which includes full description of the program for each fee, balance, amount, transfer, and any loans stated, including inter-transfer loans, description of loan, and date re-paid and interest; future reports to include the required data; and recommended action to approve the annual report, adopt loan terms, direct proceeds of the sale of Fire Station 2 to repay portion of loan, waive interest through June 30, 2015, and amend Lodi Municipal Code to remove language relating to zero interest. He stated the statute of limitations on interest rates is three years and that waiving the interest through June 30, 2015, will provide relief to the Fire Impact Fee fund. There is currently a \$1.1 million balance on the loan from the water fund, and this repayment will take the balance to below \$700,000 and create a realistic schedule to pay for it. Mr. Keys reported the City Manager can continue to bring loans back to Council in the future; however, they will include appropriate loan terms. He confirmed this is the only loan in the program.

Mike Lusk, member of the public, thanked the City for listening and responding to his concerns and he was pleased to see the accountability and transparency built into the annual report as

required by Assembly Bill 1600 and the Government Code. He further questioned where the \$100,000 benefit payment in June 2016 came from and whether enough impact fees will come in to pay down the loan.

Mr. Keys stated the source of the repayment is the loan from the Water Impact Mitigation Fee program to the Fire Impact Fee program and the source comes from Fire Impact fees that were paid by developers that year. The repayment plan is executed by staff and is moved over to the Water fund as payments that will take down the interest.

Council Member Mounce made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2019-146 approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2017/18; approving loan terms for loan from Water Impact Mitigation Fee Fund to Fire Impact Mitigation Fee Fund; approving use of proceeds from sale from 705 East Lodi Avenue to repay interfund loan from Water Impact Fee to Fire Impact Fee; approving waiving of interest accrued through June 30, 2015; and introduce Ordinance No. 1963 rescinding Section 15.64.030C of Lodi Municipal Code.

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-4 Adopt Resolution Approving DeBenedetti Park Master Plan (PRCS)

Daniel Miller, consultant with Callander Associates Landscape Architecture, provided a PowerPoint presentation regarding the DeBenedetti Park master plan. Specific topics of discussion included project team, past efforts, master plan process, site context, site conditions, site opportunities, program development, draft master plan alternatives - Harvest and Explore, plan alternative outreach, draft alternatives public comments, Parks & Recreation Commission comments, final master plan - Explore, theme, monuments, neighborhood park, community gathering area, outdoor games area, and phasing plan.

Council Member Mounce questioned Mr. Miller's thoughts on the Blue Sheet item submitted (filed) regarding traffic circulation and parking concerns, to which Mr. Miller stated that, while both design alternatives have a decreased amount of parking, there is plenty of parking in the preferred plan. Further, at both workshops, the majority of participants preferred the plan with two parking lots and no road. Council Member Mounce further asked what input Police and Fire provided regarding access, to which Mr. Miller stated both Departments support the access and the Fire Department can access the gates with a Knox Box. Council Member Mounce stated she would have preferred a Police or Fire representative in attendance to confirm that information. Council Member Mounce additionally pointed out that the proposed parking stalls are less than what the City's Municipal Code calls for and this project should not go against the City's code. Mr. Miller explained how the calculation of parking stalls was determined, adding there is also additional parking on the street. City Attorney Magdich added that the City Council can elect to make an exception, similar to what the Planning Commission does with a variance.

In response to Mayor Pro Tempore Kuehne, Mr. Miller stated that following the code would equate to 400 to 500 parking spaces for the park.

In response to Mayor Chandler, Mr. Miller stated that West Century Boulevard will also have 50 to 60 on-street parking stalls.

City Manager Schwabauer stated that, if the City followed the requirement in the code, the park improvements would not be completed for a minimum of eight years because all of the money will go toward completing the parking lot.

Council Member Mounce pointed out the area is already a dangerous place to park with children

running out onto West Century Boulevard and Lower Sacramento Road. She stated this area is an accident waiting to happen and this plan will continue an already dangerous situation.

Mayor Chandler asked Public Works to weigh in, to which Public Works Director Charlie Swimley responded that initially staff was concerned about the circulation of the park but there needs to be a balance between community desires and getting people and emergency vehicles from one end of the park to the other. The plan as presented allows for that evolution to take place and provides access for both the Police and Fire Departments. Until the park and neighborhood evolve further, there is likely no need for the connector road to be installed. In further response, Mr. Swimley stated the parking on the south side of Century Boulevard is acceptable to staff from a safety standpoint because the speed limit is lower.

Council Member Johnson stated that every park in Lodi has had parking issues at one time or another, particularly when sports games are taking place, and he was satisfied with the number of stalls in the plan.

Council Member Mounce pointed out there is an opportunity to put a buffer in this plan and, if ignored, the City could regret it.

Mr. Miller stated the community had similar concerns about parking on West Century Boulevard, which is the reason the recommendation is to install the on-site parking and restroom first before any park improvements are constructed.

In response to Mayor Pro Tempore Kuehne, Mr. Swimley stated there will be parking and bike lanes at the new subdivision in the area; however, there are currently no plans to add another crosswalk. Mayor Pro Tempore Kuehne stated his only concern with the plan is pedestrians crossing Century Boulevard safely if parked on the north side. Mr. Swimley stated staff can look at mid-block crosswalks; however, the preference typically is not to do those.

Council Member Johnson stated he would like the proposed monument eliminated due to the cost.

In response to Mike Lusk, member of the public, Mr. Hood stated the \$1.1 million going toward DeBenedetti Park is a donation from the developer because there is no community park in its subdivision and it is in lieu of building a neighborhood park as part of its project. Further, Mr. Lusk expressed concern about the traffic, speed, and parking in the area and suggested lowering the speed limit and adding a four-way stop on Century Boulevard and Mills Avenue. Mr. Swimley stated that parking along Lower Sacramento Road in that area is discouraged and, when it is expanded to six lanes, there will definitely be no parking there. Regarding Century Boulevard and Mills Avenue, there is already a stop sign there, but there are no plans at this time to change it to a signalized intersection.

Ben Franks, member of the public, expressed concern about the project, specifically regarding the traffic problem in the area that will likely worsen as the park develops. He suggested the speed limit, parking, traffic controls, and street alignment in the area be reviewed and adjusted accordingly. He suggested a traffic signal to allow better entrance into the residential area and new parking lot area. Mr. Franks stated this is a good multi-purpose park but is concerned about vagrants accessing the park and suggested fencing the park.

Council Member Johnson complimented staff and the consultant for designing a great plan and he hopes to see it in the works in the very near future.

In response to Council Member Nakanishi, Mr. Schwabauer stated the cost to build a fence around the park would likely be \$15 million, and Mr. Miller explained that fences do not work for parks because it creates indefensible spaces where people can get trapped; however, gates at the driveways could be an option to prohibit parking when the area is closed.

Council Member Johnson made a motion, second by Mayor Pro Tempore Kuehne, to adopt Resolution No. 2019-147 approving DeBenedetti Park Master Plan.

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-5 Introduce Ordinance Amending Lodi Municipal Code Title 2 – Administration and Personnel – By Adding Chapter 2.18, “Electronic Filing of Campaign Disclosure Statement,” Relating to Electronic and Paperless Filing of Fair Political Practices Commission Campaign Disclosure Statements (CLK)

City Clerk Jennifer Ferraiolo provided a presentation regarding introduction of an ordinance amending Lodi Municipal Code Title 2 - Administration and Personnel - by Adding Chapter 2.18, "Electronic Filing of Campaign Disclosure Statement," relating to electronic and paperless filing of Fair Political Practices Commission campaign disclosure statements. Specific topics of discussion included ordinance required to provide for electronic filing of campaign disclosure statements; optional electronic filing until September 1, 2020, when it becomes mandatory; training opportunities to learn the system; no ordinance requirement for conflict of interest statements; and internal procedure to make electronic filing of conflict of interest statements optional until such time as a statement is filed electronically for the first time by an individual, after which it will be mandatory.

Council Member Johnson made a motion, second by Council Member Mounce, to introduce Ordinance No. 1964 amending Lodi Municipal Code Title 2 - Administration and Personnel - by adding Chapter 2.18, "Electronic Filing of Campaign Disclosure Statement," relating to electronic and paperless filing of Fair Political Practices Commission campaign disclosure statements.

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. Ordinances

I-1 Adopt Ordinance No. 1962 Entitled, “An Ordinance of the City Council of the City of Lodi Levying and Apportioning the Special Tax in Territory Annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 8)” (CLK)

Council Member Mounce made a motion, second by Mayor Pro Tempore Kuehne, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1962 entitled, "An Ordinance of the City Council of the City of Lodi Levying and Apportioning the Special Tax in Territory Annexed to Community Facilities District No. 2007-1 (Public Services) (Annexation No. 8)," which was introduced at a regular meeting of the Lodi City Council held June 19, 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

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 10:14 p.m.

ATTEST:

Jennifer M. Ferraiolo  
City Clerk