

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 4, 2019**

- C-1 Call to Order / Roll Call – N/A
- C-2 Announcement of Closed Session – N/A
- C-3 Adjourn to Closed Session – N/A
- C-4 Return to Open Session / Disclosure of Action
- A. Call to Order / Roll Call

The Regular City Council meeting of September 4, 2019, was called to order by Mayor Chandler at 7:03 p.m.

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

Absent: None

Also Present: Deputy City Manager Keys, City Attorney Magdich, and City Clerk Ferraiolo

NOTE: Council Member Johnson participated in the meeting via teleconference.

B. Presentations

B-1 Lodi Improvement Committee Annual Update (CD)

This item was pulled from the agenda. Deputy City Manager Andrew Keys announced that the matter has been rescheduled for the Shirtsleeve Session of October 1, 2019.

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.

ROLL CALL VOTE

The City Council held a ROLL CALL vote (all voiced their votes).

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 August 2, 2019 through August 15, 2019 in the Amount of \$2,255,024.78 (FIN)

Claims were approved in the amount of \$2,255,024.78.

C-2 Approve Minutes (CLK)

This item was removed from the Consent Calendar at the request of Council Member Nakanishi to correct the minutes of August 7, 2019.

With regard to his statement under non-agenda items, Council Member Nakanishi requested that his comment from August 7 be corrected to indicate there are 34,000 Veterans in San Joaquin County, 1,500 homeless individuals in the County, and that roughly 10 percent of those homeless are Veterans.

Council Member Mounce made a motion, second by Mayor Pro Tempore Kuehne, to approve the minutes of August 7, 2019 (Regular Meeting) as amended, and August 13, 2019 (Shirtsleeve Session) and August 20, 2019 (Shirtsleeve Session) as written.

ROLL CALL VOTE

The City Council held a ROLL CALL vote (all voiced their votes).

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

Accepted Quarterly Report of Purchases between \$10,000 and \$20,000.

C-4 Accept Quarterly Investment Report as Required by City of Lodi Investment Policy (CM)

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

C-5 Adopt Resolution Authorizing City Manager to Rescind Resolution No. 2019-86 and Purchase Rubrik Data Backup Appliance and Cloud Management from ePlus Technology, Inc., of Rocklin, to Upgrade City's Data Backup Services (\$148,847.59) (CM)

Adopted Resolution No. 2019-177 authorizing the City Manager to rescind Resolution No. 2019-86 and purchase Rubrik data backup appliance and cloud management from ePlus Technology, Inc., of Rocklin, to upgrade City's data backup services, in the amount of \$148,847.59.

C-6 Adopt Resolution Authorizing City Manager to Purchase Replacement Ultra High Frequency Conventional Multisite Radio Communications Systems from and Execute 10-Year Software Upgrade Agreement II with Motorola Solutions, Inc., of San Diego (\$1,590,550), and Execute Five-Year Professional Services Agreement with Delta Wireless, of Stockton, for Support and Maintenance of Motorola Radio System (\$146,880), and Appropriating Funds (\$1,689,000) (CM)

Adopted Resolution No. 2019-178 authorizing the City Manager to purchase replacement ultra high frequency conventional multisite radio communications systems from and execute 10-year Software Upgrade Agreement II with Motorola Solutions, Inc., of San Diego, in the amount of \$1,590,550, and execute five-year Professional Services Agreement with Delta Wireless, of Stockton, for support and maintenance of Motorola radio system, in the amount of \$146,880, and appropriating funds, in the amount of \$1,689,000.

C-7 Adopt Resolution Authorizing City Manager to Execute Change Orders to Lodi Fire Station No. 1 Kitchen Remodel Project (\$8,000) and Appropriating Funds (\$8,000) (PW)

Adopted Resolution No. 2019-179 authorizing the City Manager to execute change orders to Lodi Fire Station No. 1 Kitchen Remodel Project, in the amount of \$8,000, and appropriating funds, in the amount of \$8,000.

- C-8 Adopt Resolution Accepting Reynolds Ranch Subdivision, Unit No. 2 (Tract No. 3846) and Unit No. 3 (Tract No. 3847) Public Improvements; Authorizing City Manager to Execute Landscape Maintenance Agreement; and Amending Traffic Resolution No. 97-148 by Approving Through Street on Stockton Street, from Harney Lane to LeBaron Boulevard (PW)

This item was pulled from the agenda pursuant to staff's request.

- C-9 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement for Detailed Design Services for McLane Substation Upgrade Project with Leidos, of Hendersonville, Tennessee (\$52,125) and Appropriating Funds (\$52,125) (EU)

Adopted Resolution No. 2019-180 authorizing the City Manager to execute a Professional Services Agreement for detailed design services for McLane Substation Upgrade Project with Leidos, of Hendersonville, Tennessee, in the amount of \$52,125, and appropriating funds, in the amount of \$52,125.

- C-10 Adopt Resolution Accepting and Attesting to Veracity of 2018 Lodi Electric Utility Power Source Disclosure and Power Content Label Reports and Authorizing Electric Utility Director to Submit Required Reports to California Energy Commission (EU)

Adopted Resolution No. 2019-181 accepting and attesting to veracity of 2018 Lodi Electric Utility Power Source Disclosure and Power Content Label Reports and authorizing the Electric Utility Director to submit required reports to California Energy Commission.

- C-11 Adopt Resolution Authorizing and Adopting Revisions to Lodi Electric Utility Rules and Regulations (EU)

Adopted Resolution No. 2019-182 authorizing and adopting revisions to Lodi Electric Utility Rules and Regulations.

- C-12 Adopt Resolution Approving Cost Recovery Policy for Parks, Recreation and Cultural Services Fees and Charges (PRCS)

This item was removed from the Consent Calendar at the request of Council Member Mounce for discussion purposes.

Council Member Mounce stated she is not concerned with the theory of this methodology, but rather that once adopted the expectation will be a fully-loaded cost recovery from citizens on programs. She described that the original concept behind Lodi having its own electric utility was to provide a value to the general fund for recreational opportunities and public safety and to soften the associated costs on the community. She is concerned that citizens will bear the costs down the line.

Parks, Recreation, and Cultural Services (PRCS) Director Jeff Hood stated the PRCS policy was last updated in 2003 in which it called for a relatively high subsidy for youth programs and a low subsidy for adult programs. This new policy expands on that concept by providing clearer definitions to determine how each program fits into the cost-recovery model. He stated he anticipates there will be little to no immediate impact on programs. Most of the current programs fit into the proposed tiers with only a couple that are outside. After analyzing all of the programs for cost recovery, some programs fees may be reduced while some may be increased in order to fit into the appropriate tier. Further, for programs with minimal participation and a cost recovery that is outside a tier, it may be necessary to discontinue those programs. He stressed again that he expects the programs to remain status quo; staff's goal was primarily to get the current PRCS programs to fit into the current tiers as long as they were realistic. He used the example of senior swim programs, stating staff is comfortable with subsidizing those because it is a community benefit to ensure seniors are active and healthy; however, senior music programs have less of a community benefit and may not need to be subsidized. All programs will be monitored annually to

see how they fit into the model, and adjustments will be made if necessary.

Council Member Mounce stated she wanted assurance that every person in Lodi can participate in programs regardless of the cost and she does not want to see seniors, residents on the east side, or those with limited means unable to participate because of costs. She asked this be on the record and added that, if PRCS is mindful of that, then her concerns are met.

Mr. Hood added that PRCS has been successful in obtaining grants to offset program costs and is looking to implement a scholarship program to help those in need of assistance.

Mayor Pro Tempore Kuehne concurred with Council Member Mounce's comments, adding that he would like active non-profit organizations to be given discounted rates to rent facilities, such as Lodi Lake or Hutchins Street Square. Many of these groups contribute significantly to the community and save the City money, and he believed the City should be mindful of that and provide a break to these local organizations. Further, he stated he researched rental competitors and found that Lodi is in line with Wine & Roses rental fees when it comes to weekends; however, there is no price differential on weekdays and mornings. He stressed the City needs to remain competitive and not overcharge for its venues. He also reminded staff to ensure Hutchins Street Square has proper security for events, cleans up garbage around the facility, and provides a high level of service because he has received complaints in the past. He stated he will support this request, but asked that staff keep these caveats in mind.

Mr. Hood confirmed that Lodi Police Partners are not charged to utilize Lodi Lake, and many of the local services clubs are free of charge as well, in recognition of the contributions they make to the City and community. In addition, PRCS has a non-profit rate for rentals at Hutchins Street Square.

Council Member Nakanishi agreed that senior programs should be subsidized. He added that if Measure L had not passed, many programs would be cut and parks would suffer. Lastly, he pointed out that a high number of parks users come from outside this community and he does not want to see the City subsidize nonresidents.

Mayor Chandler agreed with all of the comments and cautions, adding that he believes PRCS will be fair while continuing to seek outside funds to offset program costs.

Council Member Mounce made a motion, second by Mayor Pro Tempore Kuehne, to adopt Resolution No. 2019-184 approving the Cost Recovery Policy for Parks, Recreation and Cultural Services fees and charges.

ROLL CALL VOTE

The City Council held a ROLL CALL vote (all voiced their votes).

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-13 Adopt Resolution Ratifying U.S. Department of Justice 2019 Edward Byrne Memorial Justice Assistance Grant Application and Authorize City Manager to Execute Funding Agreement for Purchase of Safety Equipment Following Award of Grant (PD)

Adopted Resolution No. 2019-183 ratifying U.S. Department of Justice 2019 Edward Byrne Memorial Justice Assistance Grant application and authorizing the City Manager to execute the funding agreement for purchase of safety equipment following award of grant.

C-14 Adopt Resolution Authorizing City Manager to Enter into Professional Services Agreement with William Avery and Associates, Inc., of Los Gatos, for Recruitment of Community Development Director and Appropriate Funds (\$24,900) (CM)

This item was removed from the Consent Calendar and discussed and acted upon following the Regular Calendar.

C-15 Set Public Hearing for September 18, 2019 to Consider Adopting Resolution to Approve 2018-19 Community Development Block Grant Consolidated Annual Performance and Evaluation Report (CD)

Set public hearing for September 18, 2019 to consider adopting resolution to approve 2018-19 Community Development Block Grant Consolidated Annual Performance and Evaluation Report.

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.

Betty Wilson, member of the public, brought up the need for a stronger ordinance to address at-risk trees. She stated the City Attorney's office researched several jurisdictions' ordinances but did not find common ground and pointed out the City of Manteca has an ordinance that may work for Lodi. She believes Lodi is unique as many of the redwood trees in town were planted a long time ago and now they sit on small lots that cannot handle such large trees. The City's current ordinance addresses maintenance of residential front and street side yards, but she believed it was ineffective in handling these large redwood trees that pose a high risk to neighboring properties. She requested the City enforce the current ordinance by having Code Enforcement require owners to trim their trees regularly.

Public Works Director Charlie Swimley stated the City generally does not get involved with trees on private properties; however, if there is a risk, there may be some options available to the City. Deputy City Manager Andrew Keys stated he will have Code Enforcement follow up on the matter.

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

Council Member Nakanishi requested an update from the City Attorney regarding the Deputy City Attorney's efforts in prosecuting violations relating to vagrancy. City Attorney Magdich stated that a number of Lodi Municipal Code violations are being prosecuted, and the City Manager mentioned three significant cases on the homelessness webpage that resulted in jail time. The City Attorney's Office prosecutes roughly 50 nuisances cases a month for issues such as loitering on posted properties, trespassing on private property, shopping cart violations, and public urination.

Council Member Mounce thanked the City Attorney and Code Enforcement for cleaning up the property at 313 Central Avenue, which has been a problematic property for a long time, and the Police Department for ensuring the occupants and animals were removed from the substandard conditions. Further, she reported that she spoke to the local women's Republican group; she will be speaking at Worknet's Citizenship Day and for Nikki's Place, which is currently working to develop detox centers in Lodi; and she will be giving a presentation to local Brownies and Girl Scouts groups who are working to earn their badges.

Mayor Pro Tempore Kuehne commended Deputy City Attorney John Fukasawa for all the cases he has successfully prosecuted, some of which resulted in probation, jail time, or restraining

orders for specific properties. Many offenders do not show up in court, but those end up with bench warrants, which is also positive. He stated that Mr. Fukasawa is working off of the list of top offenders and he congratulated him for his hard work and efforts.

Council Member Johnson commented on Ms. Wilson's statement regarding the need for a stronger ordinance relating to trees, stating he would like the City's ordinance reviewed from a number of perspectives: responsibility for damage to other property; treating the trees similar to the weed abatement ordinance by putting a height restriction on trees; and property nuisances, similar to overgrown properties and cars on lawns that would be handled by Code Enforcement. He stated residents take pride in their homes and they should be supported in their efforts to ensure neighboring properties do the same. He suggested taking a broader viewpoint on the landscape ordinance.

Council Member Mounce agreed, stating she recalled a situation where a City tree across the street from her house fell and barely missed her roof. She further questioned if the City would be liable if Ms. Wilson's neighbor's tree fell and caused damage to her property since the City was put on notice of the situation. She agreed with Council Member Johnson that the City needs to take another look at the ordinance.

Mayor Chandler reported on his schedule, stating he 1) spoke to two classes of students at Reese Elementary School about government and the role it plays in everyday life; 2) he will be attending the Committee on Homelessness meeting tomorrow at the Carnegie Forum; 3) Saturday is the Park-to-Park event at Lodi Lake at 9 a.m. and later in the afternoon is the fundraiser for Grace and Mercy at Thomas Allen Vineyards and Winery; and 4) he will be attending the Lodi Improvement Committee meeting on September 10, the Annual Leadership Prayer Breakfast on September 19, and the Lodi Peace Walk on October 5. Further, Mayor Chandler reported that AB516, legislation that would prevent local law enforcement from tagging and removing vehicles for expired tags or parking longer than allowed, died in the appropriations committee. In light of that news, he encouraged the public to donate to the public-private effort to tag recreational vehicles to help offset removal costs.

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

None.

G. Public Hearings – None

H. Regular Calendar

H-1 Adopt Resolution Approving Addition of One Full-Time Facilities Maintenance Worker in Public Works Department (CM)

Deputy City Manager Andrew Keys provided a presentation regarding the addition of one full-time Facilities Maintenance Worker in the Public Works Department. Specific topics of discussion included purpose for adding the position due to the increased amount of time spent maintaining the City Hall complex, facilities, and parking structure due to vandalism, trash removal, and bio hazard removal; duties for the position to include regular maintenance and homeless-related cleanup at the City Hall complex, Veterans Plaza, and Finance building; change will allow more time to devote to the Transit Station and parking garage; recommendation; position funded in part by the general fund and part from the enterprise funds split among transit, water, wastewater, and electric utility; and no additional impact to the current budget.

Council Member Mounce made a motion, second by Mayor Pro Tempore Kuehne, to adopt Resolution No. 2019-185 approving addition of one full-time Facilities Maintenance Worker in the Public Works Department.

ROLL CALL VOTE

The City Council held a ROLL CALL vote (all voiced their votes).

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 New Job Description and Salary Range for Newly-Created Position of Facilities Superintendent (CM)

Deputy City Manager Andrew Keys provided a presentation regarding the job description and salary range for the newly-created position of Facilities Superintendent. Specific topics of discussion included position and allocation approved in the current year budget; recommendation to create job description, which is based on comparable salaries from surrounding agencies; salary range of \$75,000 to \$92,000 a year; and position duties, which will take workload off the City Engineer/Deputy Public Works Director, provide day-to-day management of all City facilities, and help plan and execute the City's vision more efficiently.

In response to Council Member Mounce, Mr. Keys stated this position is within the Public Works Department, which resides in the general fund but will be subsidized by other funds. He added this position is already in the budget and there is no need for an additional allocation. Council Member Mounce pointed out that typically a breakdown is provided on how a position is funded.

Mayor Pro Tempore Kuehne made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2019-186 approving the new job description and salary range for the newly-created position of Facilities Superintendent.

ROLL CALL VOTE

The City Council held a ROLL CALL vote (all voiced their votes).

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-3 Adopt Resolution Approving Addition of One Community Development Director Position and Deleting One City Planner Position in Community Development Department (CD)

Deputy City Manager Andrew Keys provided a presentation regarding the addition of one Community Development Director position and the deletion of one City Planner position in the Community Development Department. Specific topics of discussion included current situation with City Manager serving as the Community Development Director, which oversees three divisions: Planning, Building, and Neighborhood Services; increased volume of activities and recent resignation of the City Planner; staff recommendation to fill the vacancy with a Community Development Director to work as supervisor and oversight of the three divisions and to eliminate the City Planner position; amendments to the job description to emphasize planning knowledge; no increase to the salary, which is currently \$140,000; fiscal impact to the 2019/20 budget of \$45,000; City Manager time spent serving as Director, requiring general fund support; timeframe to train a new director will not necessitate an adjustment in Fiscal Year 2019/20, but the need in future years to transfer 50 percent of the City Manager's cost to the general fund will not be justified.

Mayor Pro Tempore Kuehne made a motion, second by Council Member Mounce, to adopt Resolution No. 2019-187 approving addition of one Community Development Director position and deleting one City Planner position in the Community Development Department.

ROLL CALL VOTE

The City Council held a ROLL CALL vote (all voiced their votes).

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-14 Adopt Resolution Authorizing City Manager to Enter into Professional Services Agreement with William Avery and Associates, Inc., of Los Gatos, for Recruitment of Community Development Director and Appropriate Funds (\$24,900) (CM)

Deputy City Manager Andrew Keys provided a presentation regarding the recruitment for a Community Development Director, stating it is difficult to find the right individual and hiring a recruitment firm will help solicit qualified candidates.

Council Member Mounce stated she knows of an ideal candidate in town to fill the position and suggested not approving the contract at this time.

Mayor Pro Tempore Kuehne stated he too is aware of two potential leads in town and suggested holding off on hiring the recruiting firm until staff has an opportunity to follow up on the warm leads to see how they develop.

Council Member Nakanishi concurred, stating he was hopeful the City could find someone locally to do the job.

Mr. Keys stated that entering into the contract does not commit the City to the recruiting strategy and that, if leads do not pan out, staff can continue to get the recruitment advertised.

Council Member Mounce suggested postponing this for two weeks until the next Council meeting, with which Council Member Nakanishi concurred.

Council Member Johnson stated he prefers to move forward with the contract and that staff can pursue the leads at their leisure, pointing out the front-end costs are minimal and the real dollars kick in when the recruiter begins interviews. Mr. Keys explained that the front-end costs include postings and flyers and the heavier costs are toward the end when interviews begin. Council Member Johnson suggested staff can pursue the potential leads and proceed with the contract as called for in the requested action.

Mayor Chandler stated the resolution authorizes, not directs, the City Manager to enter into an agreement and he is certain the City Manager will move forward with caution after hearing Council's concerns.

Council Member Mounce stated the ideal candidate should be someone from Lodi as he or she will plan the development of this city and that individual should know the community well.

In response to Council Member Nakanishi, City Attorney Magdich explained the contract calls for an initial retainer of \$7,900 and all activities performed by the contractor are billed against that amount. If the contract is cancelled before spending the full \$7,900, the City would request any remaining balance be returned.

Council Member Mounce pointed out that three Council Members expressed interest in putting off this item for two weeks.

In response to Mayor Chandler, Mr. Keys stated the recruiting firm could move forward if this were postponed; however, given the demand for this position among other agencies and the fact that he is unaware if the local individuals meet the qualifications, his recommendation is to move

forward with the contract. Staff can pursue the potential leads while the hiring firm begins work on the recruitment process. He added that, for this type of position, there needs to be transparency in the process. There could be others who are not aware of this new opening who are qualified and would apply if they were aware of it. He stressed the importance of having the contract in place.

Council Member Johnson stated the City has gone without this position for such a long time and that a number of individuals have served multiple functions in order to fulfill these duties. Whether people are for or against growth in this community, he stated it was important to have the most knowledgeable person serving in this position and that the City should look both internally and externally at the same time.

Mayor Pro Tempore Kuehne stressed the City must be prudent on how it spends money and, if the Finance Director believes this is a prudent expense, he will defer to his wisdom. He was also confident that Council Member Johnson and Mayor Chandler were comfortable with this direction and the City Manager and Deputy City Manager both recommend this step, but he asked that staff proceed with caution, knowing there are potentially local candidates for consideration.

Mayor Pro Tempore Kuehne made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2019-188 authorizing the City Manager to enter into a Professional Services Agreement with William Avery and Associates, Inc., of Los Gatos, for recruitment of Community Development Director and appropriate funds, in the amount of \$24,900.

ROLL CALL VOTE

The City Council held a ROLL CALL vote (all voiced their votes).

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

I. Ordinances – None

J. Adjournment

Council Member Mounce wished her neighbor, Gustav Kramlich, a happy 100th birthday.

There being no further business to come before the City Council, the meeting was adjourned at 8:04 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk