C-1 Call to Order / Roll Call

The City Council Closed Session meeting of May 1, 2019, was called to order by Mayor Pro Tempore Kuehne at 5:32 p.m.

Present:    Council Member Mounce, Council Member Nakanishi, and Mayor Pro Tempore Kuehne
Absent:     Council Member Johnson, and Mayor Chandler
Also Present:    City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

C-2 Announcement of Closed Session

a) Conference with Adele Post, Human Resources Manager, and Andrew Keys, Deputy City Manager (Labor Negotiators), Regarding Fire Mid-Management, International Brotherhood of Electrical Workers, Lodi Police Dispatchers Association, Police Officers Association of Lodi, and Police Mid-Management Pursuant to Government Code §54957.6 (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 5:32 p.m., Mayor Pro Tempore Kuehne adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:55 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:03 p.m., Mayor Pro Tempore Kuehne 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 May 1, 2019, was called to order by Mayor Pro Tempore Kuehne at 7:03 p.m.

Present:    Council Member Mounce, Council Member Nakanishi, and Mayor Pro Tempore Kuehne
Absent:     Council Member Johnson, and Mayor Chandler
Also Present:    City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

B. Presentations

B-1 National Police Week Proclamation (PD)
Mayor Pro Tempore Kuehne presented a proclamation to Lieutenant Fernando Martinez and members of the Lodi Police Department Honor Guard proclaiming May 12-18, 2019, as Police Week in the City of Lodi and publicly saluting the service of Officer Rick Cromwell who died as a result of a motorcycle accident while on duty on December 9, 1998. Lt. Martinez reported that the Honor Guard started in 1986 as a small unit of officers who purchased their own uniforms and ultimately evolved into a 10-member team with specific uniforms for each of the various types of services.

B-2 ZinFEST Proclamation (CLK)

Mayor Pro Tempore Kuehne presented a proclamation to Lodi Winegrape Commission Chairman Bruce Fry in recognition of ZinFEST, which will be held May 17-19, 2019, at Lodi Lake. Mr. Fry invited Council and the public to attend this 15th annual event, stating there will be activities, live entertainment, a barbecue school, vendors, and food, in addition to Lodi wines.

B-3 Bike Month and Bike to Work Day Proclamation (PW)

Mayor Pro Tempore Kuehne presented a proclamation to Kathryn Siddle of Bike Lodi proclaiming May 2019 as Bike Month and May 17, 2019 as Bike to Work Day in the City of Lodi. Ms. Siddle announced that "Bike to Beer" is a new activity this year, which will take place on May 17, 2019, from 5 to 7 p.m. with the first 50 adults who bicycle to Idol Beer receiving a dollar off a beer. Ms. Siddle thanked the Public Works and Parks, Recreation, and Cultural Services Departments for their support and cooperation and stated that enough funds have been raised to install additional bike racks, including one dedicated to the memory of Dr. Schock. Ms. Siddle presented the Bike Lodi/Bike Friendly Business Award to House of Coffees for its support of bicyclists and bike tourism.

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

Council Member Mounce made a motion, second by Council Member Nakanishi, 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 Mounce, Council Member Nakanishi, and Mayor Pro Tempore Kuehne
Noes: None
Absent: Council Member Johnson, and Mayor Chandler

C-1 Receive Register of Claims for March 1, 2019 through April 11, 2019 in the Amount of $8,855,854.53 (FIN)

Claims were approved in the amount of $8,855,854.53.

C-2 Approve Minutes (CLK)

The minutes of April 16, 2019 (Shirtsleeve Session) and April 17, 2019 (Regular Meeting) were approved as written.

C-3 Approve Specifications and Authorize Advertisement for Bids for 2019-2021 Standby Generator Maintenance, Repair, and Rental Contract (PW)

Approved specifications and authorized advertisement for bids for 2019-2021 Standby Generator Maintenance, Repair, and Rental Contract.

C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Citywide Bike Lane Improvement Project (PW)
Approved plans and specifications and authorized advertisement for bids for Citywide Bike Lane Improvement Project.

C-5 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Professional Services Agreement with Siegfried Engineering, Inc., of Stockton, for Lodi Station Parking Garage Elevator Shaft Assessment and Repair Project (PW)

Adopted Resolution No. 2019-67 authorizing the City Manager to execute Amendment No. 1 to Professional Services Agreement with Siegfried Engineering, Inc., of Stockton, for Lodi Station Parking Garage Elevator Shaft Assessment and Repair Project.

C-6 Adopt Resolution Accepting Luca Place Subdivision, Tract No. 3622, Public Improvements (PW)

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

C-7 Adopt Resolution Accepting San Joaquin Continuum of Care Homeless Emergency Aid Program Grant and Appropriating Funds ($1,250,000) (CD)

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

Council Member Mounce pointed out the application in the staff report indicates the Tiny House Project location would be on Cherokee Lane, which she believes is an inappropriate location due to its proximity to a liquor store and gang and drug houses; therefore, she requested the Blue Sheet item changing the location to "be determined." The Committee on Homelessness will be discussing all of the potential locations at its upcoming meeting, and her biggest concern is to ensure the project is not located in an area that would be detrimental to the individuals living in the tiny homes or in an area that has more rental homes than home ownership. Council Member Mounce stated she would like to ensure proper outreach is made to neighboring property owners so they are aware of what is going into their neighborhood and have the opportunity to express their views before the project is constructed.

Spencer Rhoads, member of the public, agreed with Council Member Mounce's comments, stating that the cost of the project is astronomical and that taxpayer money will eventually be spent to support this project either now or in the future. He stated he believes this project sends a message to the region that Lodi has free homes available for the homeless, which will cause Lodi to be a magnet for the homeless and only serve to worsen the problem.

City Manager Schwabauer stated this project was vetted repeatedly by the Committee on Homelessness and has been three years in the making. He encouraged the public to participate in the Committee's meetings to learn what tools are available to address homelessness and the rules by which municipalities are allowed to follow in order to enforce laws. The Committee debated heavily over the type of project Lodi should construct with the grant money. Many communities are doing housing projects with no rules or standards, and Lodi did not want that approach. He explained this project comes with ownership of the homes by the San Joaquin Housing Authority, which has rules that must be followed by tenants that could result in removal of occupants for failure to meet requirements of the lease. Mr. Schwabauer added that these are not free homes and tenants will be required to graduate from a rehabilitation program through either Lodi House, Salvation Army, or Women's Center. With regard to taxpayer money supporting the project, Mr. Schwabauer stated that no dollars raised through the municipal tax system will go to this project, but monies through the federal tax system will help support it.

Council Member Mounce explained this grant money comes from the "No Place Like Home" legislation, which was a tax on the wealthiest of California, and was created to deal with mental health. She stated she will continue to watch this to ensure Lodi places the project in a good location; not in a marginalized part of the community or in a depressed part of town. She applauded those working on this project and hoped that those placed in the homes have the best opportunities to get their lives straight. If this is a step in that direction, she will support the
Mr. Schwabauer stated this grant money is committed to the Tiny House Project and stressed that it is too late to change it; therefore, if Council is opposed to the project, it should object at this time. He added it would negatively affect future grants if Council were to back out of it after accepting the money.

Council Member Mounce stated she will accept the grant but will watch the project very closely to ensure the proper location is selected and that surrounding neighbors are well informed in the decision-making process.

Mayor Pro Tempore Kuehne explained that the terms used for this grant money were low- and no-bar, which means there are no programs or rehabilitation tied to it or that the only requirements were periodic check-ins with an agency. Lodi wanted a bar included in its program that would require applicants to graduate from a program, follow specific rules to live in the transitional housing, and continue to be drug tested, and for those reasons he supports the project.

Mr. Schwabauer stated that one of the conditions in the grant is that San Joaquin Housing Authority can remove a tenant who does not maintain standards of care in their property.

Peter Ragsdale, Executive Director of the San Joaquin Housing Authority, stated that San Joaquin County is in dire need of housing for the homeless and this project is meant to help. While there are no guarantees, the Housing Authority does enforce a lease and if individuals damage property, disturb neighbors, or do anything contrary to being a positive residential neighbor, the Authority will deal with it accordingly as a landlord would. He stated there are eligibility requirements and he will watch the program very closely to ensure it operates smoothly because the Authority's reputation will be just as challenged if it does not do a good job.

Mayor Pro Tempore Kuehne made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2019-70 accepting San Joaquin Continuum of Care Homeless Emergency Aid Program Grant and appropriating funds in the amount of $1,250,000.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Mounce, Council Member Nakanishi, and Mayor Pro Tempore Kuehne
Noes: None
Absent: Council Member Johnson, and Mayor Chandler

Council Member Mounce removed this item from the Consent Calendar for the purpose of making a comment.

Council Member Mounce thanked the City Manager for pushing this issue, stating she received many comments and concerns from residents on the east side regarding safe routes to school and this express route will get students safely to school through rough neighborhoods at a reduced rate. City Manager Schwabauer stated he would pass along the compliment to the City's Transportation Manager and Transportation Planner.

Council Member Mounce made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2019-71 authorizing the City Manager to execute funding documents with California Department of Transportation for allocation of Fiscal Year 2018/19 Low Carbon Transit Operations Program Funds.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Mounce, Council Member Nakanishi, and Mayor Pro Tempore Kuehne
Noes: None
Absent: Council Member Johnson, and Mayor Chandler

C-9 Adopt Resolution Appropriating $30,000 for Various Recreation Facility Repairs (PRCS)

Adopted Resolution No. 2019-68 appropriating $30,000 for various Recreation facility repairs.

C-10 Post for Vacancy on the Lodi Senior Citizens Commission (CLK)

Directed the City Clerk to post for vacancy on the Lodi Senior Citizens Commission.

C-11 Adopt Resolution Declaring Intention to Annex Territory (Vineyard Terrace Subdivision) to Community Facilities District No. 2007-1 (Public Services) and to Levy a Special Tax to Pay for Certain Public Services (Annexation No. 8); and Setting Public Hearing for June 19, 2019 (PW)

Adopted Resolution No. 2019-69 declaring intention to annex territory (Vineyard Terrace Subdivision) to Community Facilities District No. 2007-1 (Public Services) and to levy a special tax to pay for certain public services (Annexation No. 8); and setting public hearing for June 19, 2019.

C-12 Set Public Hearing for May 15, 2019 to Consider Adopting Resolution Approving Planning Commission’s Recommendation to Authorize Nine Low-Density Residential Growth Management Allocations for the Bennett – Iris Drive Subdivision (CD)

Set public hearing for May 15, 2019 to consider adopting resolution approving Planning Commission's recommendation to authorize nine Low-Density Residential Growth Management Allocations for the Bennett - Iris Drive Subdivision.

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 6.31). 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.

Mike Lusk, member of the public, submitted a claim (filed) on behalf of citizen rate payers of the Lodi water utility enterprise demanding that the sections that include any and all drought surcharge instructions and rates be removed from Agenda Item G-1, Resolution 2019-42 dated March 20, 2019. The basis for Mr. Lusk's claim, in part, is the addition of additional rate tiers, the creation of tiers for drought, and escalation of the cost of supply to a parcel.

Victoria Gonzales, representing San Joaquin Regional Transit District, updated the City about its expanded Van Go! service, which is a mobility, on-demand ride share service. The service picks up and delivers passengers to a location in the service zone. There are four zones in San Joaquin County: North County (which includes Lodi), Central, and two in South County. The cost is $4 for one-way or $10 for an all-day pass for up to four people. She stated the service is also great for wine tasting outings.

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

Council Member Mounce requested the City Attorney research the ordinance that allows for three chickens in the City limits and whether it can be expanded to allow for ducks and quail. Council Member Mounce stated that for years she has been pushing for diversity in housing so that lower income and multi-cultural populations can afford homes in Lodi, instead of only having $400,000...
homes as the only choice. Doing this will change the nature of some of the most at-risk neighborhoods by reducing rentals and bringing in more home ownership. Her goal is to require new development to build or renovate homes in distressed areas of the community as part of their projects. She reported on the League of California Cities board meeting last week, stating the League is fighting to maintain local control in the area of housing and hopes to be a part of the solution, which she hopes will give her the tools to continue to fight for housing in Lodi.

Council Member Nakanishi stated he supports the request to research the ordinance on chickens. In response, City Attorney Magdich stated that, if Council directs to change the ordinance, staff will bring a revised ordinance to Council for review, but there is no need for a committee review.

Mayor Pro Tempore Kuehne stated he too supports the request to research the issue further. Ms. Magdich stated she will look at other communities to see who expanded and what they did, but in general the birds cannot be for commercial use and they would still be limited to three. Mayoral Pro Tempore Kuehne further reported that he served on the Local Agency Formation Commission (LAFCO) for four and a half years, including serving as chair and sitting on its finance committee, but his term is now concluded. He participated in the City Selection Committee meeting today to select his replacement. He also serves on the San Joaquin Council of Governments and will be attending his fifth One Voice trip to Washington, D.C., to lobby legislators on transportation issues and to find funding for projects such as the rail project and the deep water channel that would remove trucks from the Altamont corridor and bring more jobs to the county.

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

None.

G. Public Hearings

G-1 Public Hearing to Consider Adopting Resolution Approving Final 2019-23 Consolidated Plan and 2019-20 Annual Action Plan for Community Development Block Grant Program (CDBG)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pro Tempore Kuehne called for the public hearing to consider adopting resolution approving Final 2019-23 Consolidated Plan and 2019-20 Annual Action Plan for the Community Development Block Grant (CDBG) Program.


Council Member Mounce stated she would not support the CDBG Action Plan if it includes the $13,017 funding recommendation for the HEAP Tiny House Project as she believes it is an inappropriate use of CDBG money. She stated there are many more worthy projects the money should be used for, such as improving Cherokee Lane and the east side, which is the intent behind the CDBG program.

Council Member Nakanishi suggested that, in future years, staff not include funding for HEAP projects in the CDBG program and questioned if the funding for the Tiny House Project could come from someplace else. City Manager Schwabauer stated that a majority of the excess dollars are coming from in-kind contributions from the San Joaquin Housing Authority, but there are some gaps. Staff will be looking for non-general fund sources to fill those gaps. He stated he could not say with certainty at this time if there is other funding to cover the $13,017, but staff will look into it further. Council Member Nakanishi stated he did not wish to change the recommendation this late into the process.
Mayor Pro Tempore Kuehne stated he believes the funds for the Tiny House Project is an appropriate use of the money based on the fact that it will be used toward the homeless, it is a small portion of the funding program, and it is not an on-going program need. Further, he stated he supports all of the recommended funding requests.

Mr. Schwabauer pointed out it appears the CDBG program request would not receive a successful vote because there are only three Council Members in attendance; therefore, he suggested Council approve the plan as recommended with the exception of the $13,017 for the HEAP Tiny House Project, which would be listed in the plan as "unencumbered." Those dollars could be allocated at a later time.

Mayor Pro Tempore Kuehne opened the public hearing for public comment.

There being no public comments, Mayor Pro Tempore Kuehne closed the public hearing.

Council Member Nakanishi requested this matter be placed on the Consent Calendar in the future, to which Mr. Schwabauer responded that this item must be conducted as a public hearing.

Council Member Mounce asked if the $13,017 could be reallocated to another program, to which Ms. Clemons responded it could only be reallocated to an existing program. In further response, Ms. Clemons stated it could not be allocated toward the graffiti abatement program because of the social services cap. Further, Mr. Schwabauer confirmed the money could not be allocated toward the Hale Park building because the project was not included in the public noticing to date. Ms. Clemons added that the funding limit was also reached on the program administration category. Further, she pointed out that any left over funds in the CDBG Program could be reallocated to another project during the Annual Action Plan amendment in the fall.

In response to Council Member Nakanishi, City Attorney Magdich reiterated that, if the HEAP Tiny House Project funds were left out of the plan, the funds would be considered "unallocated funds" and would come back in the fall during the regular process for reallocation.

Mayor Pro Tempore Kuehne suggested voting on the Plan now with the exception of the HEAP Tiny House Project and bringing the HEAP portion back for action at the next available meeting when the full Council is in attendance.

Council Member Nakanishi made a motion, second by Mayor Pro Tempore Kuehne, to adopt a resolution approving the Final 2019-23 Consolidated Plan and 2019-20 Annual Action Plan for Community Development Block Grant Program, with the exception of the $13,017 recommended for the HEAP Tiny House Project, which will be brought back at a later time for approval when the full Council is present.

VOTE:
The above motion failed by the following vote:
Ayes: Council Member Nakanishi, and Mayor Pro Tempore Kuehne
Noes: Council Member Mounce
Absent: Council Member Johnson, and Mayor Chandler

Council Member Mounce stated she would not support the motion if it is only going to come back at the next meeting for a full Council vote.

Ms. Magdich stated Council can approve the program with the exception of the HEAP Tiny House Project with the unallocated funds returning to Council in the fall as part of the normal course of the CDBG reallocation process.

Ms. Clemons pointed out that the deadline to submit the CDBG plan is June 14, 2019; therefore, Council approval is necessary prior to that date. Once submitted, California Housing and Urban Development has 45 days to review and approve the plan, after which Council could move forward with an amendment.
Deputy City Manager Andrew Keys suggested the $13,017 could be added to the Blakely Park Restroom project because it was part of the publicly-noticed plan and additional funds are necessary for the project.

Ms. Magdich stated that, if Council wishes to postpone the hearing, it continue the hearing to a date certain because re-noticing a new hearing would result in missing the submittal deadline. Mr. Schwabauer explained the ramifications of not submitting the plan is the loss of $624,000 in CDBG funding this program year and putting future funding at risk.

Mayor Pro Tempore Kuehne stated he supports continuing the hearing, and Council Member Nakanishi concurred. Ms. Magdich recommended re-opening the public hearing for additional comments before continuing the hearing.

Mayor Pro Tempore Kuehne opened the public hearing for public comments.

Council Member Nakanishi made a motion, second by Mayor Pro Tempore Kuehne, to continue the public hearing to May 15, 2019, to consider approving the Final 2019-23 Consolidated Plan and 2019-20 Annual Action Plan for Community Development Block Grant Program.

**VOTE:**

The above motion carried by the following vote:

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

In the confusion of the moment, it was unclear that the motion carried, and a subsequent motion was made.

Council Member Mounce made a motion to adopt resolution approving the Final 2019-23 Consolidated Plan and 2019-20 Annual Action Plan for Community Development Grant Program, with the exception of the $13,017 allocation for the HEAP Tiny House Project that would instead be reallocated toward the Blakely Park Restroom Project. The motion died for lack of a second.

Following a brief discussion about how to proceed, it was clarified that the motion to continue the public hearing to May 15, 2019 passed.

**H. Regular Calendar**

**H-1** Receive and File the Agreed-Upon Procedures Applying to Internal Controls Over the City's Procurement (for Period July 1, 2017 through September 30, 2018) by The Pun Group (CM)

Vanessa Burke of The Pun Group provided a PowerPoint presentation regarding Independent Accountant's Report on Agreed-Upon Procedures Applying to Internal Controls Over the City's Procurement. Specific topics of discussion included information about The Pun Group; scope of work; procedures, associated findings, and response; Procedure No. 1 - City Purchasing Policies; Procedure No. 2 - Purchasing Manual and Conflict of Interest; Procedure No. 3 - Segregation of Duties, Procure to Pay; Procedure No. 4 - Compare Purchase Order to Invoice Payment; Procedure No. 5 - Documentation for Purchase Orders; Procedure No. 6 - Change Order Authorization; Procedure No. 7 - Change Order Authorization; Procedure No. 8 - Change Order Within Contract Scope; and Procedure No. 9 - Budgetary Control of Expenditures.

Council Member Nakanishi stated he was concerned with Procedure No. 3, "Segregation of Duties," and questioned if this issue is common in other cities. Ms. Burke stated she has written this recommendation three times and believes that as budgets tighten and staff is reduced, cities squeeze down the ability to have extra bodies and do not look as closely at key controls. Deputy City Manager Keys stated that Finance was able to add personnel to the accounting division and is better able to address this issue with work flow processes and multiple people reviewing these functions.
City Manager Schwabauer stated staff will come back with revised policies relating to change orders and contingencies that are workable in today's world.

There was no Council action required on this matter.

H-2 Adopt Resolution Approving Incentive Pay for Licensed Land Surveyor and Designation of City Land Surveyor (CM)

Human Resources Manager Adele Post provided a presentation regarding incentive pay for Licensed Land Surveyor and designation of City Land Surveyor. Specific topics of discussion included California requirements for designation of a land surveyor; City's use of a part-time, retired annuitant on an as-needed basis to serve in this capacity; City employee who recently obtained the license; City's desire to designate this full-time individual as the City's land surveyor; recommendation to provide a 7 percent incentive for this responsibility, which is less than the part-time individual coming in to perform this service; and concurrence by the Mid-Management Association labor group.

City Manager Schwabauer stated the City has a number of civil engineer positions, but it is unnecessary that all of them receive this certification. This incentive is limited to one person only, and it is not being added to the job specification for all civil engineers.

Council Member Mounce stressed that she is opposed to incentives because it makes employees' salary less transparent to the public; however, she will support this recommendation because it is for one individual and not spread throughout an entire classification.

Council Member Mounce made a motion, second by Council Member Nakanishi, to adopt Resolution No. 2019-72 approving incentive pay for Licensed Land Surveyor and designation of City Land Surveyor.

VOTE:
The above motion carried by the following vote:
Ayes: Council Member Mounce, Council Member Nakanishi, and Mayor Pro Tempore Kuehne
Noes: None
Absent: Council Member Johnson, and Mayor Chandler

I. Ordinances – None

J. Adjournment

Council Member Mounce spoke about Jered Sperling, who was tragically killed in a carjacking in Kent, Washington, on April 15, 2019, stating he was a long-time Lodian and son of local Certified Public Accountant Darrell Drummond. She stated Jered was a true warrior and the world lost a hero and good man.

There being no further business to come before the City Council, the meeting was adjourned at 9:24 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk