

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 2, 2020**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of September 2, 2020, was called to order by Mayor Kuehne at 6:38 p.m.

Present: Council Member Chandler, Council Member Mounce, and Mayor Kuehne

Absent: Mayor Pro Tempore Nakanishi

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

C-2 Announcement of Closed Session

- a) Pending Litigation: Government Code §54956.9(a); one case; Cross Culture Christian Center, a California Non-Profit Corporation; Pastor Jonathan Duncan, an individual v. Gavin Newsom, in his official capacity as Governor of California, et al., United States District Court, Eastern District of California Case No. 2:20-cv-00832-JAM-CKD
- b) Pending Litigation: Government Code §54956.9(a); one case; Best Supplement Guide, LLC; Sean Covell, an individual, vs. Gavin Newsom, in his official capacity as the Governor of California, et al., United States District Court, Eastern District of California Case No. 2:20-cv-00965-JAM-CKD

C-3 Adjourn to Closed Session

The Closed Session adjourned at 6:55 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:11, Mayor Kuehne called the City Council meeting to order, and City Attorney Magdich disclosed the following actions, which were discussed in Closed Session.

Item C-2a) was pending Litigation: Government Code §54956.9(a); one case; Cross Culture Christian Center, a California Non-Profit Corporation; Pastor Jonathan Duncan, an individual v. Gavin Newsom, in his official capacity as Governor of California, et al., United States District Court, Eastern District of California Case No. 2:20-cv-00832-JAM-CKD.

No action was taken.

Item C-2b) was pending Litigation: Government Code §54956.9(a); one case; Best Supplement Guide, LLC; Sean Covell, an individual, vs. Gavin Newsom, in his official capacity as the Governor of California, et al., United States District Court, Eastern District of California Case No. 2:20-cv-00965-JAM-CKD.

No action was taken.

A. Call to Order / Roll Call

The Regular City Council meeting of September 2, 2020, was called to order by Mayor Kuehne at 7:11 p.m.

Due to the COVID-19 pandemic and pursuant to Executive Order N-29-20, all Council Members participated in the meeting via teleconference and the meeting was available for viewing by the public

via livestream at <https://www.facebook.com/CityofLodi/> and <https://zoom.us/j/96856740300?pwd=S20zNGwyUGpidDNISUFjeGtzT2dyUT09>; the opportunity for public comment was available through councilcomments@lodi.gov and <https://zoom.us/j/96856740300?pwd=S20zNGwyUGpidDNISUFjeGtzT2dyUT09>.

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

Absent: None

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

B. Presentations – None

C. Consent Calendar (Reading; Comments by the Public; Council Action) All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, refer to the Special Teleconference Notice at the beginning of this agenda.

Council Member Chandler made a motion, second by Mayor 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 Chandler, Council Member Mounce, Mayor Pro Tempore Nakanishi, and Mayor Kuehne

Noes: None

Absent: None

ROLL CALL VOTE

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

C-1 Receive Register of Claims for July 31, 2020 through August 13, 2020 in the Amount of \$3,616,375.43 (FIN)

Claims were approved in the amount of \$3,616,375.43.

C-2 Approve Minutes (CLK)

The minutes of July 28, 2020 (Shirtsleeve Session), July 28, 2020 (Special Meeting), August 4, 2020 (Shirtsleeve Session), August 5, 2020 (Regular Meeting), August 5, 2020 (Special Meeting), August 11, 2020 (Shirtsleeve Session), August 18, 2020 (Shirtsleeve Session), and August 19, 2020 (Regular Meeting) were approved as written.

C-3 Accept Quarterly Investment Report as Required by City of Lodi Investment Policy (FIN)

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

C-4 Accept Quarterly Report of Purchases between \$10,000 and \$20,000 (FIN)

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

C-5 Adopt Resolution Rejecting All Initial Bids and Awarding Bids for Purchase of Pad Mount and Pole Mount Transformers to Anixter, Inc., of Benicia, under Long-Term (2-Year with 1-Year Extension) Purchase in Amount Not to Exceed \$3 Million Over Three Years (EU)

Adopted Resolution No. 2020-190 rejecting all initial bids and awarding bids for purchase of pad mount and pole mount transformers to Anixter, Inc., of Benicia, under long-term (2-year with 1-year extension) purchase, in amount not to exceed \$3 million over three years.

- C-6 Adopt Resolution Rescinding the Portion of Resolution No. 2020-51 Pertaining to Mobile Modular Management Corporation, and Authorizing City Manager to Execute Professional Services Agreement with Mobile Modular Management Corporation, of Livermore, for Temporary Office Space for Lodi Electric Utility Facility Renovation Project (\$181,422) (PW)

Adopted Resolution No. 2020-191 rescinding the portion of Resolution No. 2020-51 pertaining to Mobile Modular Management Corporation, and authorizing the City Manager to execute a Professional Services Agreement with Mobile Modular Management Corporation, of Livermore, for temporary office space for Lodi Electric Utility Facility Renovation Project, in the amount of \$181,422.

- C-7 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Woodard and Curran, Inc., of Sacramento, for Consulting Services to Prepare Water Utility Risk and Resilience Assessment and Emergency Response Plan (\$88,600) (PW)

Adopted Resolution No. 2020-192 authorizing the City Manager to execute a Professional Services Agreement with Woodard and Curran, Inc., of Sacramento, for consulting services to prepare Water Utility Risk and Resilience Assessment and Emergency Response Plan, in the amount of \$88,600.

- C-8 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Terracon Consultants, Inc., of Lodi, for Construction Materials Testing and Inspection Services (\$150,000) (PW)

Adopted Resolution No. 2020-193 authorizing the City Manager to execute a Professional Services Agreement with Terracon Consultants, Inc., of Lodi, for construction materials testing and inspection services, in the amount of \$150,000.

- C-9 Accept Improvements Under Contract for 2020 Downtown Concrete Cleaning (PW)

Accepted improvements under contract for 2020 Downtown Concrete Cleaning.

- C-10 Accept Improvements Under Contract for Well 3R Rehabilitation Project (PW)

Accepted improvements under contract for Well 3R Rehabilitation Project.

- C-11 Adopt Resolution Authorizing Lodi Police Department to Participate in Selective Traffic Enforcement Program Grant Funded by Office of Traffic Safety; Further Authorizing City Manager to Execute Grant Documents on Behalf of City of Lodi; and Appropriate Funds (\$112,500) (PD)

Adopted Resolution No. 2020-194 authorizing Lodi Police Department to participate in Selective Traffic Enforcement Program Grant funded by Office of Traffic Safety; further authorizing the City Manager to execute grant documents on behalf of City of Lodi; and appropriating funds, in the amount of \$112,500.

- C-12 Adopt Resolution Authorizing City Manager to Submit Two Homeless, Housing Assistance, Prevention Program (HHAP) Grant Applications and to Enter into Agreements with San Joaquin Continuum of Care and San Joaquin County for HHAP Grants (Approximately \$2,500,000) (CD)

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

Council Member Mounce asked about the intended use of the grant funds and voiced concerns about applying for grants before having a project fully developed and planned.

Community Development Director John Della Monica explained that the grant funding would be used to build a reserve to move forward with the plan to build a navigation center somewhere in the City of Lodi. Director Della Monica stated that the long-term plan would probably take between three and five years to develop so staff is looking for supportive grants in order to move the planning forward. Director Della Monica noted that the project is not related to the Tiny Homes project.

Council Member Mounce stated that she does not believe applying for a grant at this time, considering public opinion, would be wise.

Mayor Kuehne spoke about the importance of applying for grants to address the homeless issue when the federal funds are available and clarified that this grant is not related to the Tiny Homes Project.

Mayor Pro Tempore Nakanishi stated that this grant is an opportunity and noted that the City does not currently have funding available to address the homelessness issue and to not try to get any available funding would not be a wise decision.

Mayor Kuehne made a motion, second by Mayor Pro Tempore Nakanishi, to adopt Resolution No. 2020-195 authorizing the City Manager to submit two Homeless, Housing Assistance, Prevention Program (HHAP) grant applications and to enter into agreements with San Joaquin Continuum of Care and San Joaquin County for HHAP Grants (approximately \$2,500,000).

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Mounce

Absent: None

ROLL CALL VOTE

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

C-13 Authorize the Mayor, on Behalf of the City Council, to Send a Letter of Support for the Coalition to Support Local Recovery and the League of California Cities (LOCC) COVID-19 Recovery Efforts (CLK)

Authorized the Mayor, on behalf of the City Council, to send a letter of support for the Coalition to Support Local Recovery and the League of California Cities (LOCC) COVID-19 recovery efforts.

C-14 Authorize the Mayor, on Behalf of the City Council, to Send a Letter Urging Congress to Support \$500 Billion in Direct Flexible Federal Assistance to Local Governments to Sustain Core Services for Residents and Support Public Health and Economic Recovery (CLK)

Authorized the Mayor, on behalf of the City Council, to send a letter urging Congress to support \$500 billion in direct flexible federal assistance to local governments to sustain core services for residents and support public health and economic recovery.

C-15 Adopt Resolution Authorizing City Manager to Roll Forward the Remaining Appropriation to Fiscal Year 2021 for Outfitting of Engine 2034 (\$40,000) (FD)

Adopted Resolution No. 2020-196 authorizing the City Manager to roll forward the remaining appropriation to Fiscal Year 2021 for outfitting of Engine 2034, in the amount of \$40,000.

C-16 Appoint Jennifer Phillips-Lorentzen as Adult Advisor on Greater Lodi Area Youth Commission; Rayleen Salgado, Matthew Gobel, Morgan Orlando, Kyle Armknecht, Talia Duran, Benjamin Gobel, Ahmad Kahn, and Parker Orlando as Students Members on Greater Lodi Area Youth Commission; Manjit Singh to the Planning Commission; and Magdalena Saldana to the Lodi

Improvement Committee; and Re-Post for One Vacancy on Greater Lodi Area Youth Commission (Adult Advisor) (CLK)

Made the following appointments and directed the City Clerk to post for the following vacancy:

APPOINTMENTS:

Greater Lodi Area Youth Commission (Adult Advisors)

Jennifer Phillips-Lorentzen Term to expire May 31, 2023

Greater Lodi Area Youth Commission (Student Members)

Rayleen Salgado Term to expire May 31, 2022

Matthew Gobel Term to expire May 31, 2022

Morgan Orlando Term to expire May 31, 2022

Kyle Armknecht Term to expire May 31, 2022

Talia Duran Term to expire May 31, 2022

Benjamin Gobel Term to expire May 31, 2021

Ahmad Khan Term to expire May 31, 2021

Parker Orlando Term to expire May 31, 2021

Planning Commission

Manjit Singh Term to expire June 30, 2021

Lodi Improvement Committee

Magdalena Saldana Term to expire March 1, 2021

POSTINGS:

Greater Lodi Area Youth Commission (Adult Advisor)

Jean Powell Term to expire May 31, 2023

C-17 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Northern Consulting Actuaries, of Minneapolis, MN, for OPEB Valuation Study Services for a Total Not to Exceed Amount of \$20,000 (CM)

Adopted Resolution No. 2020-197 authorizing the City Manager to execute a Professional Services Agreement with Northern Consulting Actuaries, of Minneapolis, MN, for OPEB valuation study services for a total not-to-exceed amount of \$20,000

C-18 Set Public Hearing for September 16, 2020 to Consider Introducing an Ordinance Approving the Planning Commission's Recommendation to Repeal and Reenact the Following Lodi Municipal Code Chapters and Section: Chapter 15.60 – Flood Damage Prevention; Section 17.14.040 – General Performance Standards; and Chapter 17.28 – Overlay Zoning Districts; and Amend the Lodi Zoning Map to Establish the F-200 Overlay District to Implement the Provisions of Senate Bill (SB) 5 and SB 1278 Related to 200-Year Flood Protection (CD)

Set public hearing for September 16, 2020 to consider introducing an ordinance approving the Planning Commission's recommendation to repeal and reenact the following Lodi Municipal Code chapters and section: Chapter 15.60 - Flood Damage Prevention; Section 17.14.040 - General Performance Standards; and Chapter 17.28 - Overlay Zoning Districts; and amend the Lodi Zoning Map to establish the F-200 Overlay District to implement the provisions of Senate Bill (SB) 5 and SB 1278 related to 200-year flood protection.

C-19 Set Public Hearing for September 16, 2020 to Consider Adopting a Resolution Approving the Planning Commission Recommendation to Amend the General Plan Safety Element to Implement the Provisions of Senate Bill (SB) 5 and SB 1278 Related to 200-Year Flood Protection (CD)

Set public hearing for September 16, 2020 to consider adopting a resolution approving the Planning Commission's recommendation to amend the General Plan Safety Element to implement the provisions of Senate Bill (SB) 5 and SB 1278 related to 200-year flood protection.

C-20 Set Public Hearing for September 16, 2020, to Consider Appeal of JAS Real Properties Development Lodi LLC (JAS) Regarding the Planning Commission's Approved Conditions of Approval for Reynolds Ranch Tentative Tract Map (CD)

Set public hearing for September 16, 2020, to consider appeal of JAS Real Properties Development Lodi LLC (JAS) regarding the Planning Commission's approved conditions of approval for Reynolds Ranch Tentative Tract Map.

C-21 Re-Set Public Hearing from September 2, 2020 to September 16, 2020 to Consider Adopting Resolution Approving Planning Commission's Recommendation to Authorize 39 Low-Density and 111 Medium-Density 2020 Residential Growth Management Allocations and Approve Planned Development Standards and Guidelines for Reynolds Ranch Tentative Tract Map (CD)

Re-set public hearing from September 2, 2020 to September 16, 2020 to consider adopting resolution approving Planning Commission's recommendation to authorize 39 low-density and 111 medium-density 2020 Residential Growth Management Allocations and approve Planned Development Standards and Guidelines for Reynolds Ranch Tentative Tract Map.

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.

A person, no name given, provided comment live via Zoom regarding the need for a police presence at the protests scheduled for Saturday, September 5, 2020.

Bonnie Reingerber [sic] provided comment live via Zoom stating her opposition to the location selected for the Tiny Homes Project.

Natalie Bowman provided comment live via Zoom stating her position in support of the location selected for the Tiny Homes Project.

Norm, no last name given, provided comment live via Zoom regarding concerns the community has about safety and the protests planned for Saturday, September 5, 2020.

Ankia Hauschult [sic] provided comment live via Zoom stating her opposition to the location selected for the Tiny Homes Project.

Ramon Yopez provided comment live via Zoom stating his opposition to the location selected for the Tiny Homes Project.

A person, no name given, provided comment live via Zoom stating his opposition to the location selected for the Tiny Home Project.

City Clerk Cusmir read 22 comments submitted via email and mail (filed) into the record regarding the public's concerns about a protest scheduled for Saturday, September 5, 2020 and in opposition of defunding the Lodi Police Department.

City Clerk Cusmir read 84 comments submitted via email and mail (filed) into the record in opposition to the location selected for the Tiny Homes Project and in opposition to using the Armory as a location for a project to address homelessness.

City Clerk Cusmir read 13 comments submitted via email and mail (filed) into the record in support of the location selected for the Tiny Homes Project and the overall project.

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

Mayor Kuehne addressed comments about the Tiny Homes Project, explaining that the Tiny Homes are designated for graduates of specific local programs and these individuals were in the process of moving forward with their lives. Mayor Kuehne stated that he is confident that the Police Department is prepared for any protests.

Council Member Mounce addressed comments about the Tiny Home Project, stating the public understands the nature of the project and that the issues about the project arose when the location for the project was selected.

In response to a public comments, Council Member Mounce explained the location for the Tiny Homes Project being proposed is a baseball diamond and identified other locations where the project could be located.

Mayor Pro Tempore Nakanishi thanked everyone for submitting public comment and stated that defunding the police department has never been discussed by the Council. Mayor Pro Tempore Nakanishi stated an alternative location for the Tiny Homes Project should be presented to the Council.

Council Member Chandler agreed that an alternative location for the Tiny Homes Project should be presented to the Council.

Council Member Mounce voiced concerns about making important decisions about the City, such as the use of Chapman Field for the Tiny Homes Project, via Zoom.

Council Member Chandler spoke about the concerning comments made about the Tiny Homes Project at the Parks, Recreation, and Cultural Services Commission, and encouraged the public to trust that the Police Department is prepared to address the protests scheduled for Saturday, September 5, 2020.

Council Member Mounce spoke about the benefit of community policing and bridging the communications gap between the Police Department and the public.

Mayor Pro Tempore Nakanishi made a motion, second by Mayor Kuehne, to continue the meeting past 11:00 p.m.

VOTE:

The above motion failed by the following vote:

Ayes: Mayor Pro Tempore Nakanishi, and Mayor Kuehne

Noes: Council Member Mounce

Absent: Council Member Chandler

Due to a technical difficulty, Council Member Chandler was unable to vote and the motion died due to lack of a majority vote.

Mayor Pro Tempore Nakanishi made a motion, second by Council Member Chandler, to continue the meeting past 11:00 p.m.

VOTE:

The above motion carried by the following vote:

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

Noes: Council Member Mounce

Absent: None

ROLL CALL VOTE

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

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

City Manager Schwabauer and Chief of Police Brucia addressed public comments regarding the Lodi Police Department's preparedness for the protests that are scheduled for Saturday, September 5, 2020.

G. Public Hearings – None

H. Regular Calendar

H-1 Receive Presentation on the San Joaquin Community Response to Homelessness – 2020 San Joaquin Strategic Plan and Adopt Resolution Supporting Plan (CD)

Jon Mendelson, Chair of the San Joaquin Continuum of Care, provided a PowerPoint presentation regarding the San Joaquin Community Response to Homelessness - 2020 San Joaquin Strategic Plan. Specific topics of discussion included a brief overview of the San Joaquin Community Response to Homelessness 2020 San Joaquin County Strategic Plan, an outline of the goals of the plan and measures of success, and the plan to implement actionable solutions to homelessness. Mr. Mendelson also discussed the collaborative approach outline in the plan for best addressing homelessness, noting the plan's flexibility for individual cities. Mr. Mendelson, on behalf of the Continuum of Care, asked that the City of Lodi become the next municipality to agree to the plan's basic strategies, goals, and action steps.

Mr. Mendelson addressed questions, asked by Council Member Mounce, about the success of the evidence-based principles and strategies of the plan.

Council Member Mounce spoke about the importance of allowing development of diverse types of housing to meet affordable housing goals. Mr. Mendelson spoke about the benefit of providing permanent supportive housing in response to questions asked by Council Member Mounce.

Mayor Pro Tempore Nakanishi asked what the City would be obligated to do if the Council approved the Resolution to support the plan. Mr. Mendelson explained that the City would be supporting the plan, including the goals and the strategic actions that can be taken to address homelessness. The plan provides a guide and goals that the Community should be striving toward and identifies where investments should be made.

Council Member Mounce explained that she did not want to take action without public input and Mayor Pro Tempore Nakanishi agreed.

Mayor Pro Tempore Nakanishi made a motion, second by Council Member Mounce, to table item H-1 and continue additional discussion on the San Joaquin Community Response to Homelessness – 2020 San Joaquin Strategic Plan and adoption of a resolution supporting the plan to a meeting at a later date.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

The City Council held a Roll Call vote (all voiced their votes).

H-2 Adopt Resolution Approving Final Location for Tiny Homes Project (CD)

Due to a technical problem at the previous night's Parks, Recreation, and Cultural Services Commission meeting, this item was pulled from the agenda and will be discussed at a future Council meeting, date to be determined.

I. Ordinances – None

J. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 12:02 a.m.

Present: Council Member Chandler, Council Member Mounce, and Mayor Kuehne

Absent: Mayor Pro Tempore Nakanishi

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

ATTEST:

Jennifer Cusmir
City Clerk