

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JANUARY 5, 2022**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of January 5, 2022, was called to order by Mayor Chandler at 6:30 p.m.

Mayor Pro Tempore Hothi attended remotely.

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

Absent: None

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

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, Lodi Fire Mid-Management, International Brotherhood of Electrical Workers, Confidential General Services, Confidential Mid-Managers, Executive Managers, and Appointed Employees Pursuant to Government Code §54957.6 (CM)
- b) Review of Council Appointees (Government Code 54957) (HR)

C-3 Adjourn to Closed Session

At 6:30 p.m., Mayor Chandler adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:57 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:06 p.m., Mayor Chandler reconvened the City Council meeting, and City Attorney Magdich disclosed the following actions.

In regard to Item C-2a), 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, Lodi Fire Mid-Management, International Brotherhood of Electrical Workers, Confidential General Services, Confidential Mid-Managers, Executive Managers, and Appointed Employees Pursuant to Government Code §54957.6. Information was provided to the Council. No action was taken by the Council.

In regard to Item C-2b), Review of Council Appointees (Government Code 54957). The Council provided staff with direction and no additional action was taken by the Council.

A. Call to Order / Roll Call

The Regular City Council meeting of January 5, 2022, was called to order by Mayor Chandler at 7:06 p.m.

Mayor Pro Tempore Hothi attended remotely.

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

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 Notice at the beginning of this agenda.

Council Member Khan made a motion, second by Council Member 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).

C-1 Receive Register of Claims for November 12, 2021 through December 16, 2021 in the Total Amount of \$13,121,526.71 (FIN)

Claims were approved in the amount of \$13,121,526.71.

C-2 Approve Minutes (CLK)

The minutes of November 3, 2021 (Regular Meeting), November 17, 2021 (Regular Meeting), November 30, 2021 (Shirtsleeve Session), December 1, 2021 (Regular Meeting), December 7, 2021 (Shirtsleeve Session), December 14, 2021 (Shirtsleeve Session), December 15, 2021 (Regular Meeting), December 21, 2021 (Shirtsleeve Session), and December 28, 2021 (Shirtsleeve Session) were approved as written.

C-3 Adopt Resolution Authorizing Inclusion of Henning Getaway Project into FY 2021/22 Capital Improvement Program and Appropriating Funds (\$450,000) (EU)

Adopted Resolution No. 2022-01 authorizing inclusion of Henning Getaway Project into FY 2021/22 Capital Improvement Program and appropriating funds in the amount of \$450,000.

C-4 Accept Improvements Under Contract for Old City Hall Tower Demolition Project (PW)

Accepted the improvements under the contract for Old City Hall Tower Demolition Project.

C-5 Accept Improvements Under Contract for Well 6R Granular Activated Carbon Replacement (PW)

Accepted the improvements under the contract for Well 6R Granular Activated Carbon

Replacement.

C-6 Accept Improvements Under Contract for Well 28 Granular Activated Carbon Filter System (PW)

Accepted the improvements under the contract for Well 28 Granular Activated Carbon Filter System.

C-7 Adopt Resolution Accepting Gateway North Subdivision, Unit No. 2 (Tract No. 3976) Public Improvements and Authorizing City Manager to Execute Landscape Maintenance Agreement (PW)

Adopted Resolution No. 2022-02 accepting Gateway North Subdivision, Unit No. 2 (Tract No. 3976) Public Improvements and authorizing the City Manager to execute a Landscape Maintenance Agreement.

C-8 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Quest Media and Supplies, Inc., for Information Technology Business Continuity and Disaster Recovery Planning (Not to Exceed \$95,000) and Appropriating Funds (\$64,455.94) (IT)

Adopted Resolution No. 2022-03 authorizing the City Manager to execute a Professional Services Agreement with Quest Media and Supplies, Inc., for Information Technology business continuity and disaster recovery planning, in an amount not to exceed \$95,000, and appropriating funds in the amount of \$64,455.94.

C-9 Adopt Resolution Authorizing City Manager to Execute Amendment to Professional Services Agreement with Garland/DBS, Inc., of Cleveland, Ohio, for Hutchins Street Square Roof Repair Project Phase 4 and Transfer Funds (\$16,239) (PW)

Adopted Resolution No. 2022-04 authorizing the City Manager to execute an amendment to the Professional Services Agreement with Garland/DBS, Inc., of Cleveland, Ohio, for Hutchins Street Square Roof Repair Project Phase 4 and transferring funds in the amount of \$16,239.

C-10 Adopt Resolution Rescinding Resolution No. 2021-258 and Authorizing City Manager to Execute Professional Services Agreement with Clean Energy, of Newport Beach, for Monthly and Preventative Maintenance and Repairs of Compressed Natural Gas Fueling Station (\$175,000) (PW)

Adopted Resolution No. 2022-05 rescinding Resolution No. 2021-258 and authorizing the City Manager to execute a Professional Services Agreement with Clean Energy, of Newport Beach, for monthly and preventative maintenance and repairs of Compressed Natural Gas Fueling Station, in the amount of \$175,000.

C-11 Adopt Resolution Authorizing City Manager to Execute Agreement with San Joaquin Council of Governments for Funding Allocation for Garfield Street Safe Route to School Project (PW)

This item was pulled at the request of Council Member Kuehne. Public Works Director Charlie Swimley provided details about the Safe Routes to School Project and the improvements that are made as part of the project scope. Council Member Kuehne spoke about the project funding through Measure K.

Council Member Khan made a motion, second by Council Member Kuehne, to adopt Resolution No. 2022-06 authorizing the City Manager to execute an agreement with San Joaquin Council of Governments for funding allocation for Garfield Street Safe Route to School Project.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

C-12 Adopt Resolution Authorizing Library Director to Accept Zip Books Grant Funding (\$5,000) from California State Library and Appropriating Funds (\$5,000) (LIB)

Adopted Resolution No. 2022-07 authorizing the Library Director to accept Zip Books Grant Funding, in the amount of \$5,000, from California State Library and appropriating funds in the amount of \$5,000.

C-13 Notice of Plan for Mobile Library Grant Proposal for Fiscal Year 2023-2024 Approved by Library Board of Trustees (Information Only) (LIB)

This item was pulled at the request of Council Member Khan. Council Member Khan thanked the Library Board of Trustees for providing the Council with the mobile library grant proposal and spoke about the importance of providing individuals living on the eastside with more opportunities to access the library.

Council Member Nakanishi commended Council Member Khan and his work on this project.

C-14 Notice of Modification of Library Public Hours Approved by Library Board of Trustees (Information Only) (LIB)

Received notice of modification of Library public hours approved by Library Board of Trustees (information only).

C-15 Adopt Resolution Approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2020/21 (FIN)

Adopted Resolution No. 2022-08 approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2020/21.

C-16 Post for Expiring Terms on Lodi Improvement Committee and Vacancy for Greater Lodi Area Youth Commission Adult Advisor (CLK)

Directed the City Clerk to post for the following expiring terms and vacancy:

Lodi Improvement Committee

David Diskin - Term to expire March 1, 2022

Vanessa Madrigal-Lauchland - Term to expire March 1, 2022

Sandra Vargas - Term to expire March 1, 2022

Greater Lodi Area Youth Commission - Adult Advisor  
Breanna Meyer - Term to expire May 31, 2022

C-17 Authorize City Clerk to Grant Request for Leave to Present Late Claim, by Yousef Haddad, Pursuant to Government Code Section 911.6(a) (CLK)

Authorized the City Clerk to grant Request for Leave to Present Late Claim, by Yousef Haddad, pursuant to Government Code Section 911.6(a).

C-18 Authorize City Clerk to Grant Request for Leave to Present Late Claim, by Joanne DelSolar, Pursuant to Government Code Section 911.6(a) (CLK)

Authorized the City Clerk to grant Request for Leave to Present Late Claim, by Joanne DelSolar, pursuant to Government Code Section 911.6(a).

C-19 Adopt Resolution of Intention to Vacate Existing 16.5-Foot and 3-Foot Public Utility Easements Located at 2525 West Century Boulevard, Refer the Matter to the Planning Commission; and Set a Public Hearing for February 16, 2022 (PW)

Adopted Resolution No. 2022-09 of Intention to vacate existing 16.5-foot and 3-foot Public Utility Easements located at 2525 West Century Boulevard, refer the matter to the Planning Commission; and set a public hearing for February 16, 2022.

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.

Alex Aliferis, a resident, provided public comment regarding his encounter with an aggressive transient in downtown and provided ideas to improve safety downtown. Mr. Aliferis also spoke about an accident that occurred on the train tracks.

Pete Valdez, a resident, provided public comment regarding the mobile library proposal, COVID-19 testing, and influencers. Mr. Valdez feels not everyone in the City is being served by the City Council.

Tye Brockmeier, a resident, provided public comment regarding homelessness and asked what the City is doing to address the problem.

City Manager Schwabauer spoke about the City's ACCESS Center project and how that project will provide support services to homeless individuals.

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

Council Member Khan reiterated the importance of the mobile library project and the program's benefit to students in District 4. Council Member Khan also asked to discuss Main Street at a Shirtsleeve Session and spoke about problems with parking and damage being done to cars parked on the street in District 4.

Mayor Chandler gifted copies of the book *Breaking Ice and Breaking Glass* by Vice Admiral Sandra Stosz USCG (Ret) to the Department Directors.

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

G. Public Hearings

G-1 Public Hearing to Consider Recommendation of Planning Commission to Introduce and Waive First Reading of Ordinance Amending Lodi Municipal Code Title 17 – Development Code, Article 3, “Site Planning and General Development Standards,” Chapter 17.34, “Signs,” by Adding Section 17.34.070.G, “Freeway Oriented Electronic Billboard,” to Allow and Regulate Freeway-Oriented Electronic Message Signs and Amend Article 7, “Definitions,” Chapter 17.78, “Definitions,” Section 17.78.020, “Definitions of Specialized Terms and Phrases,” by Adding “Freeway Oriented Electronic Billboard” (CD)

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 the recommendation of the Planning Commission to introduce and waive first reading of an ordinance amending Lodi Municipal Code Title 17 - Development Code, Article 3, "Site Planning and General Development Standards," Chapter 17.34, "Signs," by adding Section 17.34.070.G, "Freeway Oriented Electronic Billboard," to allow and regulate freeway-oriented electronic message signs and amend Article 7, "Definitions," Chapter 17.78, "Definitions," Section 17.78.020, "Definitions of Specialized Terms and Phrases," by adding "Freeway Oriented Electronic Billboard."

Planner Eric Norris provided a PowerPoint presentation regarding the proposed amendment to the Zoning Code to allow and regulate freeway oriented electronic message signs. Specific topics of discussion included existing regulations, signs in Lodi, proposed amendment, Planning Commission discussion, Caltrans review and approval, and options.

City Manager Schwabauer responded to questions asked by Council Member Nakanishi regarding the State regulations regarding signage. Council Member Nakanishi stated that he supports the changes.

Community Development Director Della Monica stated that requirements for the removal of signs no longer in use will be included in the terms of the developer agreements, in response to a question asked by Mayor Chandler.

Mayor Chandler opened the public hearing for public comment.

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

Community Development Director Della Monica answered questions asked by Council Member Kuehne regarding the number of signs allowed and the 1,000-foot rule. Mr. Della Monica also discussed the CalTrans appeal process.

Council Member Kuehne made a motion, second by Council Member Nakanishi, to introduce and waive first reading of Ordinance No. 1990 amending Lodi Municipal Code Title 17 - Development Code, Article 3, "Site Planning and General Development Standards," Chapter 17.34, "Signs," by adding Section 17.34.070.G, "Freeway Oriented Electronic Billboard," to allow and regulate freeway-oriented electronic message signs and amend Article 7, "Definitions," Chapter 17.78, "Definitions," Section 17.78.020, "Definitions of Specialized Terms and Phrases," by adding "Freeway Oriented Electronic Billboard."

VOTE:

The above motion carried by the following vote:

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

Noes: None  
Absent: None

ROLL CALL VOTE

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

G-2 Public Hearing to Consider Adopting Resolution Setting San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2022 (CD)

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 a resolution setting San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2022.

Community Development Director John Della Monica provided a PowerPoint presentation regarding 2022 San Joaquin County Multi-Species Habitat Fees. Specific topics of discussion included fee schedule approved by San Joaquin Council of Governments, basis of fee adjustments, and staff recommendation.

Mayor Chandler opened the public hearing for public comment.

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

Council Member Kuehne made a motion, second by Council Member Khan, to adopt Resolution No. 2022-10 setting San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2022.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

G-3 Public Hearing to Introduce Ordinance Amending Lodi Municipal Code Title 13 – Public Services – by Repealing and Re-Enacting Section 13.12.150, “Connections Outside City,” in Its Entirety (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 introducing an ordinance amending Lodi Municipal Code Title 13 - Public Services - by repealing and re-enacting Section 13.12.150, "Connections Outside City," in its entirety.

Public Works Director Charlie Swimley provided a PowerPoint presentation regarding the introduction of an ordinance amending Lodi Municipal Code Title 17 in relation to connections outside the City. Specific topics of discussion included background, cemetery location, and proposed amendment.

Public Works Director Swimley spoke about the services provided to the City by the cemetery and the intent of the General Plan, in response to a question asked by Council Member Nakanishi.

Mr. Swimley answered questions asked by Council Member Nakanishi regarding the benefits of sewer service versus septic systems.

Council Member Kuehne noted that there is precedent for allowing connections for businesses that provide services to Lodi residents.

City Manager Schwabauer spoke about concerns that the sewer treatment plant may be considered a regional plant and discussed how the ordinance is crafted to clarify that this connection is accommodating a need of the community.

Mayor Chandler opened the public hearing for public comment.

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

Council Member Kuehne made a motion, second by Council Member Khan, to introduce Ordinance No. 1991 amending Lodi Municipal Code Title 13 - Public Services - by repealing and re-enacting Section 13.12.150, "Connections Outside City," in its entirety.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

H. Regular Calendar

H-1 Receive Presentation on 2022 Point in Time Count (CD)

Neighborhood Services Manager Jennifer Rhyne provided a PowerPoint presentation regarding the 2022 Point in Time (PIT) Count. Specific topics of discussion included importance of PIT count, PIT data from 2019, 2019 homeless census and survey, PIT count dates and locations, volunteer outreach, volunteer training, use of survey tools, PIT crew committee members, and purpose of presentation.

Council Member Kuehne spoke about his experience participating in the PIT in previous years.

Neighborhood Services Manager Rhyne spoke about incentives being offered, in response to a questions asked by Council Member Kuehne.

Ms. Rhyne stated the Salvation Army is offering support, in response to a question asked by Council Member Khan.

H-2 Assign and Confirm Annual Appointment of City Council Members on Various Boards, Committees, and Commissions (CLK)

City Manager Schwabauer introduced the topic of Council service on various boards, committees, and commissions. Mr. Schwabauer stated that staff is recommending keeping the assignments as they are.



Mayor Chandler made a motion, second by Council Member Khan, to assign and confirm annual appointment of City Council Members on various boards, committees, and commissions.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

H-3 Adopt Resolution Approving Title Change, Amendments to Job Description, and Salary Adjustments for Position of Building Official (HR)

Deputy City Manager Andrew Keys provided a presentation regarding the title change, amendments to job description and salary adjustments for the position of Building Official. Specific topics of discussion included the reorganization of the Code Enforcement Division and the increased scope of responsibility of the position of Building Official.

Council Member Khan made a motion, second by Council Member Kuehne, to adopt Resolution No. 2022-11 approving the title change, amendments to job description, and salary adjustments for the position of Building Official.

ROLL CALL VOTE

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

H-4 Adopt Resolution Approving Memorandum of Understanding between City of Lodi and International Brotherhood of Electrical Workers for Period January 1, 2022 through December 31, 2024 (HR)

Deputy City Manager Andrew Keys introduced the Memorandum of Understanding (MOU) between the City of Lodi and the International Brotherhood of Electrical Workers. Specific topics of discussion included background information and highlights of the MOU.

Council Member Khan made a motion, second by Council Member Kuehne, to adopt Resolution No. 2022-12 approving the Memorandum of Understanding between the City of Lodi and International Brotherhood of Electrical Workers for the period January 1, 2022 through December 31, 2024.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

I. Ordinances – None

J. Reorganization of the Following Agency Meetings: Lodi Public Improvement Corporation, Industrial Development Authority, Lodi Financing Corporation, and Lodi Public Financing Authority

City Manager Schwabauer introduced the item regarding the reorganization of the following agencies: Lodi Public Improvement Corporation, Industrial Development Authority, Lodi Financing Corporation, and Lodi Public Financing Authority.

Council Member Kuehne made a motion, second by Council Member Nakanishi, to adopt Resolution No. LPIC2022-01 reorganizing the officers of the Lodi Public Improvement Corporation, Resolution No. IDA-44 reorganizing the officers of the Industrial Development Authority, Resolution No. LFC2022-31 reorganizing the officers of the Lodi Financing Corporation, and Resolution No. LPFA2022-01 reorganizing the officers of the Lodi Public Financing Authority.

VOTE:

The above motion carried by the following vote:

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

Noes: None

Absent: None

ROLL CALL VOTE

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

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:52 p.m.

ATTEST:

Jennifer Cusmir  
City Clerk